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THE Great Point OF SUCCESSION DISCUSSED.

With a Full and Particular *ANSWER* To a late *PAMPHLET*, Intituled,

A Brief HISTORY OF Succeſſion, &c.

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THE Great Point OF SUCCESSION DISCUSSED.

In a full *ANSWER* to a late *PAMPHLET*, Intituled, *A Brief Hiſtory of the* SUCCESSION, *&c.*

AMONGST all the ſpurious Brood the Preſs of late has ſo numerouſly ſpawn'd, and wherewith the Town has been ſo immoderately peſter'd, perhaps there is ſcarce a Pamphlet can pretend to have made a greater noyſe, or met with a more general Applauſe than THE HISTORY OF THE SUCCESSION, *&c.* Inſomuch that having heard it ſo much and ſo often commended, and that ſome people had ſo great a value for it, that they had taken the pains to get it without Book, I grew not a little deſirous of reading what I thought would not have had ſo welcome a Reception, if it had not been penn'd with a great deal of Faithfulneſs and Sincerity: for, tho' I muſt confeſs, I have no great opinion of an Argument drawn from matter of Fact, ſince if that were once allow'd a man of very indifferent Parts, and as ſlender Reading, would find it no very difficult Task to juſtifie the blackeſt Villanies; yet I aſſured my ſelf, that if our Author did not induſtriouſly avoid being ſincere and impartial, he could not but conclude the Crown of *England* to have always gone in the *Sacred Channel of Birth-right and proximity of Blood*, and that uninterrupted too, unleſs put violently out of its Courſe; either by ſome manifeſt Force from without, or ſome prevailing Faction from within.

But alas! I ſoon perceived how mightily I was miſtaken in the man; for I found him in every Page taking ſo much pains to catch at every thing that might but any way advance his Deſign, or ſeem'd but to lean never ſo little towards his opinion; and every where ſo deſignedly wreſting and miſ-repreſenting thoſe Authors whoſe *Indexes*, I doubt not, but have furniſhed him with all the Reading he has ſhow'n upon this Occaſion: for certainly if he had but taken a little more pains in reading the Authors themſelves, he would not have had the Confidence to have ſo groſly impoſed upon the World as he has done. When, I ſay, I had perceived with

what intollerable diſ-ingenuity he had all along managed his Deſign, I could not but conclude with my ſelf, that if his very extraordinary Ignorance has not ſtood in the way of his Preferment, he had Malice and Impudence enough to entitle him to the honour of a Pillory.

Nor can the man deſerve leſs that goes about to make people believe, that the Kingdom of *England*, but a few Ages ago was Elective, that His Majeſty, (whom God long preſerve) holds His Crown upon no ſurer Title than an Act of Parliament; and that 'tis lawful for the *Three Eſtates of the Realm* to depoſe their King, and call him to an Account of his Stewardſhip, if he behave not himſelf to their content and ſatisfaction: for either this muſt be the conſequence of his Diſcourſe, or nothing; for all his Arguments are drawn from matter of Fact (for the moſt part falſely repreſented too); and he tells us of two Kings that have been depoſed: ſo that if from thence we may conclude, that becauſe ſuch things have been done they either were then, or may now lawfully be done (which either our Author muſt prove to be true, or elſe acknowledge his whole Diſcourſe an impertinent Scribble) I have not falſly accuſed the Writer of this Diſcourſe I am about to examine.

And although this might be allowed to be a ſufficient Anſwer to this whole Pamphlet, ſince every one can tell him *à facto ad jus non valere conſequentiam*; yet, becauſe there may be a great many people in the World as willing to be deceived as he is to deceive, for I can believe none to be ſo ignorant, were they not violently bent upon it, as to ſuffer themſelves to be impoſed upon by ſo irrational and illogical a Diſcourſe, I ſuppoſe it will not be an unwelcome performance to thoſe that are Lovers of Truth or Honeſty, to ſee the Mask pull'd off from our Scribler, and his many and unpardonable (becauſe deſigned) miſtakes in his pretended HISTORY OF THE SUCCESSION *laid open*.

But before I proceed to examine the particulars, I cannot but take notice of one thing that may eaſily impoſe upon the unwary Reader in turning over our old Monkiſh Hiſtorians; I mean their very frequent mention of the Election of our Kings; which expreſſion of theirs has given our *Pamphleteer* the moſt colourable pretence of any, to aſſert the Monarchy of this Iſle to be an Elective One; but he that has taken the pains to look into the Body of their Writings more carefully than this Gentleman has done, will, I am ſure, conclude that no good Argument can be drawn from a looſe Expreſſion or careleſs Word let fall from the Pen of any of our Monks, who muſt be confeſs'd by every one to be extreamly ignorant of *Latinity*, and the true propriety of Words, ſo that both falſe Grammar and groſs Barbariſms are very frequent amongſt them; beſides, it will moſt evidently appear, that what they call'd Electing of a King, amounted to no more than an open acknowledgement or recognition of his *Right* and *Title*, ſince (as I ſhall make appear from the enſuing Diſcourſe) they, upon ſeveral occaſions, tell us of the right, precedent to all manner of Ceremony, that Kings of *England* have to the Crown, and both they and ſeveral Parliaments of different Complexions and Intereſts have declared the Kingdom of *England* to be Hereditary (as appears from ſeveral * Records) and that the Crown, according to the *Laws of God and Nature*, does deſcend according to Birth-right and proximity of Blood; which, how it can do, and yet be Elective, I cannot for my life underſtand; ſo that whatever the preſent uſe, and the propriety of the word (*Election*) may make it ſignifie, yet I am aſſured the meaning of it in our Records and Hiſtorians muſt be what I have aſſign'd (to wit) A Recognition and Acknowledgement of the Perſon ſaid to be elected, to be the true Heir to the Crown, to whom by Birth-right it is due.

But to come cloſer to the point: I agree that nothing certain has come down to us of the nature of the Government of this Iſland, before the *Romans* came hither, who found them governed by ſeveral petty Princes: but if we may give any credit to what is related of the old *Britains*, and ſome Learned Men † are perſuaded we may, we ſhall find the Crown to be Hereditary.

But our *Pamphleteer*, by a ſtrange way of arguing would make us believe, that during the *Heptarchy*, becauſe they were governed by divers Laws, that therefore their

* Rot. Parl. 39 H. 6. n. 10, &c. Rot. Parl. 1 E. 4. n. 8, &c. Rot. Parl. tent' apud Weſtm' die Veneris 23 die Jan. An. Regni Regis Rich. 3. primo, &c.

† Sheringham de Anglorum gentis Origine &c. Hiſt. Britan. Defenſio per J. Priſcum Eq. Aurat.

their *Rule of Succeſſion* muſt be divers. as if becauſe *France*, *Spain*, *Moſcovia*, *Denmark* and *Sweden* are governed by different Laws, that therefore they ought not to be Hereditary; however it ſeems he is convinced that ſome of thoſe Royalties in the *Heptarchy* were not Elective, and if he would but pleaſe to read over the Hiſtory of thoſe times, and not rely too much upon *Indexes*, he would be convinced that the Crown in them all did conſtantly deſcend to the next Heir, unleſs he were unjuſtly put by either by ſome potent Neighbour, or powerful and popular Rebell.

At length ſeven Kingdoms were united under *Egbert* and his poſterity, who ſucceeded him ſucceſſively by Hereditary Right, and ſo far are the Hiſtorians from conſtantly mentioning (as we are with a great deal of confidence told *pag.* 1.) that we hear not one word of it in any Hiſtorian of Account, till *Edgar* had put himſelf at the Head of his Brother King *Edwy*'s Subjects, and had forced him to divide the Kingdom with him; and truly I cannot but admire the impudence, or at leaſt ignorance of our Author, in telling us that *Egbert* came to the Kingdom of the Weſt *Saxons* by Election, and that he was no way related to *Brithric* the laſt King, when I dare confidently affirm, that there is not one * Hiſtorian but ſayes he was next Heir, and only remaining Branch of that Royal Stem, and that upon *Brithric's* death he ſucceeded him in his Kingdom, without the leaſt mention of any Election; and I am ſure a man can ſcarce look into any of the Monkiſh Writers, but he ſhall find a † Genealogy of this *Egbert*, one of whoſe direct Anceſtors was Brother to the great *Ina*, King of the Weſt *Saxons*, who was deſcended in a direct Line from *Cerdic* the firſt King of that people in *England*; but theſe kind of ſhifts, whether ignorant or malicious I determine not, are very frequent.

563. An. 802. R. de Hoveden Annal. p. priore f. 413.

To *Egbert* ſucceeded his Eldeſt Son ** *Ethelwolf*, not by Election but Birth-right, who, out of a miſtaken Devotion, went to *Rome*, and carrying his youngeſt Son † *Alfred*, whom he loved above any of his Children, with him; and deſigning, if poſſible, to make him his Succeſſor, he prevailed with the Pope to Anoint and Crown him King; which certainly was a very prepoſterous way of going about it, if it had been in the peoples power to chuſe their King; for then the moſt natural way had been to make his Addreſs to them that had the power in their hands; || but however this Action of the Fathers ſo much alarm'd the Eldeſt Son *Ethelbald*, that rather than he would ſo unjuſtly be deprived of his undoubted Right, he reſolved to deprive his Father of his Kingdom; and upon this ſpecious pretence raiſed ſo ſtrong a Faction againſt him, that the Father to bring him again to his Duty, was forced to ſhare his Kingdom with him: and this Prince wiſely conſidering that if he did not contribute toward the avoiding of it, his death might be the occaſion of a great deal of Bloodſhed amongſt his four Children, by †† his Will in his life-time he ordained, That his Lands ſhould be diſtributed amongſt his two younger Sons and Daughter, but his ** *Hereditary Kingdom of the Weſt-Saxons* he bequeathed to his Eldeſt Son *Ethelbald*, and the Kingdoms of *Kent*, *Eſſex*, and *Suſſex* to his Second Son *Ethelbert*, to be held in Fee of his Elder Brother; and upon his death his Eldeſt Son *Ethelbald* ſucceeded him according to his Fathers Will, & he dying iſſueleſs, *Ethelbert* as next in Blood ſate upon the Throne, and ſo his

* *M. Weſt.* f. 145.—Rex—Brithricus—filiam Offæ Regis Merciorum—in conjugium accepit, cujus affinitate fultus Egbertum ſolum regalis proſapiæ ſuperſtitem, quem regni ſui utilitatibus futurum metuebat hoſtem, in Franciam fugavit.

Idem f. 155.— defuncto itaque Rege Brithrico, ſucceſſit ei Egbertus in regnum 36 annis, qui ex regali illius gentis proſapiâ originem ducens, multa potenter regna ſuo adjecit imperio. H. Huntingd. lib. 5. Flor. Wigorn. f.

† *M. Weſtm.* f. 166. cum multis aliis.

** *M. Weſt.* f. 155. —— cui (ſc. *Egberto*) ſuccedens Æthelulphus filius ejus ——— 20 annis & 5 menſibus imperavit. ———

† *M. Weſt.* f. 158.

‖ *Iidem* —— exorta eſt contra Regem prædictum magnatum quorundam conſpiratio, ita quod factâ conjuratione ab Æthelbaldo filio regis primogenito —— quod à Româ repatrians nunquam reciperetur in Regnum, cauſa— erat— quod filium juniorem Ælfredum, quaſi aliis a ſorte regni excluſis in Regem Romæ fecerat Coronari.

†† *M. Weſtm.* f. 159. Æthelulphus— de ſuo tranſitu ad vitam Univerſitatis cogitans, nè filii ejus poſt obitum ſuum inter ſe diſceptarent hæreditariam ſcribere imperavit Epiſtolam, in quâ & regni inter filios Æthelbaldum & Æthelbertum — diviſionem —procuravit, &c. & paulò poſtea; Æthelberto filiorum ſecundo Regnum Cantiæ cum Suſſexiâ conceſſit, filius ejus primogenitus Æthelbaldus in Weſt-Saxiâ pro patre regnavit.

** H. Huntingd. Hiſt. l. 5. f. 348. Æthelbaldo filio ſuo reliquit prædictus Rex nobiliſſimus (ſc. Æthelulphus) Regnum Hæreditarium *Weſtſaxe*; Adelbricto filio ſuo alii reliquit Regnum Cantiæ & *Eſtſaxe* & *Sudſaxe*.

two younger Brethren *Ethelred* and *Alfred*, by right of Inheritance, and according to proximity of Blood ſucceſſively came to the Crown.

Upon the whole matter it may be, I think, reaſonably concluded, not inſiſting upon the ſilence of Hiſtory, from theſe two particulars, that the Kingdom was nothing leſs than Elective; firſt, becauſe it is irrational to think that *Ethelwolf* would have pretended to have appointed and nominated a Succeſſor, if the Crown had not gone then by Birth-right. And in the next place I cannot conceive why *Alfred*, who was a kind of * Vicegerent to all his other Brethren, ſhould wait their Death, before he took upon him the Government; for if the Choice of the people had been ſufficient to entitle him to the Crown, he had never wanted that, ſince he was their † Darling all along, eſpecially if the Unction and Coronation by the Pope be conſidered, for that, though of no force or efficacy in it ſelf, yet might have been eaſily improved into a moſt excellent and fair pretence: therefore I perſuade my ſelf, it was only the conſideration of his Elder Brothers Right, according to the Laws of God and Nature, that deterred this Excellent and Learned Prince from being allured by the inviting and almoſt irreſiſtable temptations of a Crown, in prejudice of thoſe that had a greater Right than himſelf.

* *Flor. Wigorn. fol.* 587. ——Quo (ſc. Æthelred) ſupra memoratus Ælfredus, qui uſque ad id tempus venientibus fratribus ſuis fuerat ſecundarius, totius regni gubernacula divino concedente nutu cum ſummâ omnium illius regni accolarum voluntate confeſtim ſuſcepit.

† *Aſſer. Menevenſ. in vit. Alfred. f.* 7. ——Quod (ſc. Regnum) etiam vivente fratre ſuo, ſi dignaretur accipere facillimè cum omnium illius gentis accolarum potuerat invenire.

But if ſuch a Rule of Succeſſion, as I am contending for, were in uſe at that time, how could *Athelſtan*, Grandchild to *Alfred* ſucceed his Father *Edward* the Elder, to the diſ-inherizon of his Brother *Edmund*, if he, as this Gentleman would have us believe, were a Baſtard? but what if there be no ſuch thing? for I for my part cannot find that he was: if our Hiſtoriographer have any Author beſides *Polydor* by him that the World has not yet been bleſt with the ſight of, he would do well to produce him for the publick good; but till then, ſince I have got ſome ‖ good Writers on my ſide, I may, without any diſparagement to the Gentlemans remark-ſincerity and faithfulneſs, hold *Athelſtan* to be as legitimate as himſelf.

‖ Flo. Wigorn. f. 598. M. Weſtm. f. 184. W. Malmeſb. l. 2. c. 6. f. 76.

The next inſtance he gives us to ſhew that the Crown deſcended not according to proximity of Blood is ** *Edreds* Succeſſion to his Brother *Edmond*, though the deceaſed Prince had left two Sons behind him: but he forgets to tell us they were *Minors*, and upon that account their Uncle (the Office of Protector being not then in uſe) was Crowned King; tho' by this odd Cuſtom, it often happen'd that the lawfull Heirs were deprived of their Right; for notwithſtanding they were under an Obligation to reſign as ſoon as their Kinſmen came to Age, yet ſo ſtrong were the Temptations, and ſo ſweet the Enjoyment of a Crown, to an ambitious Soul, that rather than they would ſubmit to a juſt reſignation of that which was but committed to them in Truſt for another, they would break through all Laws Humane and Divine to maintain that by Force, which, contrary to Reaſon and Juſtice, they had uſurped.

** *Florent. Wigornenſ. f.* 604. *M. Weſtm. f.* 188. Defuncto itaque Edmundo, Edredus frater ejus —— regni diadema —— ſuſcepit —— reliquit quoque duos filios hæredes legitimos Edwinum & Edgarum, qui repugnante illegitimâ ætate patri ſuccedere non valebant. R. Hoveden. par. 1. f. 423. W. Malmeſb. l. 2. c. 7. f. 55.

But however in this caſe it happen'd otherwiſe, for *Edred* dying very opportunely, was ſucceeded by his Nephew *Edwy*: he after a ſhort, but troubleſome Reign, had his Brother *Edgar* for Succeſſor; who, having governed his Subjects in peace and plenty, and to his own Eternal Honour, left the Crown to his Eldeſt Son * *Edward* (who on the account of his barbarous and cruel Death contrived by his inhumane Step-mother, was afterwards called the *Martyr*) But his Coronation was a little obſtructed by a Faction of the Nobility, who endeavour'd to advance *Ethelred* to the Throne, being animated thereto by *Alfdritha* his Mother, that ſhe, during his minority (for he was but ſeven years of Age) might ſatisfie her Ambition by domineering it over the Kingdom, † *Ut potius ſub ejus nomine regnare videretur*; for they pretended that *Edward* was illegitimate, and therefore ought not to be preferr'd before his Brother *Ethelred*, who was the true Heir to his Father, and to whom therefore the Crown was due, ſo that the diſpute was not who

* Brompton. f. 872. M. Weſtm. f. 193.

† M. Weſtm. ubi ſupra.

who ſhould, but who ought to be King; nor was it carried by Intereſt in favour of *Edward* (as our Pamphleteer would perſuade us) but by right; for *Dunſtan*, Archbiſhop of *Canterbury*, being fully ſatisfied of the juſtneſs of his Title, without ſuffering a thing ſo clear, any longer to be debated, according as his Father had commanded (**ut pater ejus moriens dictitaverat*, are the very words of the Hiſtorian) conſecrated *Edward* King; which he ſurely durſt never have done, if he could have derived his Right from no other Original than the Choice of the People.

* M. Weſtm. ubi ſupra. Fl. VVigorn. f. 005.

But tho' none of thoſe Inſtances alledged by him yet are of force enough to prove what he produced them for, yet we are not to ſuppoſe a man of his *Infinite Reading* cannot find out ſomething that, at a dead lift, may ſerve his turn; and truly I cannot but admire his excellence that way: he has had the good luck to hit upon the moſt admirable paſſage, and ſo pat for his purpoſe, that 'tis impoſſible to match it in any of thoſe moſt incomparable and delectable Hiſtories of *Montelion*, Knight of the Oracle, *Amadis* of *Gaul*, *Pariſmus* and *Pariſmenus*, there's nothing in them either for pleaſure or aſtoniſhment, but comes a Mile behind what this Gentleman's Author, the Canting Abbot of *Rievalis* can help us to, and to the everlaſting credit of his Wit and Invention be it ſpoken, his Life of *Edward the Confeſſor*, from one end to the other, is as perfect *Romance* as any of 'em: and truly amongſt all his Romantick Tales, and I aſſure you they amount to no ſmall number, this of Chooſing of *Edward* by the Eſtates, whil'ſt in his Mothers Womb, is one of the moſt improbable. For, not to inſiſt upon the univerſal ſilence of all our Hiſtorians in this matter, which, if any ſuch thing had been, it would have been a moſt unpardonable fault in them not to have mention'd, not, I ſay, to inſiſt upon this, No man certainly in his right Wits can think ſo wiſe an Aſſembly, as was compoſed of all the Noblemen of *England*, could be guilty of ſo much folly and madneſs, as to chooſe a Child, and that unborn too, for their King, and reject ſeveral brave and worthy Princes; ſince they could not be ignorant how many inconveniencies and Convulſions a People are ſubject to whoſe King is a Child; and they could not rationally expect the Father would live till their future Monarch was paſt his Minority; beſides, the Kingdom being actually invaded by the *Danes*, ſtood then in need of a Prince that was Active, Prudent and Valiant: and, as I think, they could not be reaſonably ſuppos'd guilty of ſo extreamly fooliſh an Action, ſo neither in my mind ought we to be ſo uncharitable as to imagine them ſo prodigiouſly wicked, as that, contrary to all Equity and Juſtice, they ſhould afterwards as baſely forſake and reject, as they had raſhly, tho' ſolemnly, choſen the poor Prince; ſurely none can believe they can ſtand chargeable with two Crimes of ſo great a magnitude. For my own part I cannot be perſuaded that this Gentleman can be ſo ſenſeleſs as to believe ſo evident a Forgery, or that he would have had the confidence to have made uſe of it, had he not devoted himſelf to buoy up an Intereſt, that is able to ſupport it ſelf upon no better grounds than a company of ſpecious and plauſible, but for the moſt part very ſhallow pretences.

Ethelred being dead, † *Canutus* by the terrour of his Arms, having the greateſt part of the Iſland at his devotion, forced them to acknowledge and receive him for their King, which they being under an apparent Force, could not chooſe but do, which, notwithſtanding this Gentleman is pleas'd to call an Election, but how ridiculouſly, I leave to every man of ſenſe to judge; but however the City of † *London*, and that part of the Nobility that was there, ſtood firm to *Edmond Ironſide*, Eldeſt Son and Heir to the deceaſed King, and received him for their Sovereign, as they were in Duty bound; but at length theſe two Princes being grown weary of the War, after a Duel fought between them, to avoid the effuſion of more Blood, they came to this || Concluſion, That the Kingdom ſhould be divided betwixt them, each peaceably to enjoy his ſhare.

† Fl. VVgorn. f. 616. M. VVeſtm. f. 203.

† Soli Cives Londinenſes, & pars Nobilium qui tunc temporis ibidem permanebant, Edmundum filium Regis, ferreum latus in Regem unanimiter exclamaverunt. M. Weſtm. ubi ſupra.

|| M. Weſtm. f. 205.

But

But upon the Death of *Edmund*, the * *Dane*, being reſolved to admit of no Co-parter in the Government of this Iſland, ſummons all the Great Men, and very cunningly (as if he had been ignorant of the matter) demands of them whether or no by the Agreement made betwixt him and the late King, it was *Provided*, That the Sons or Brethren of *Edmond* ſhould ſucceed him during his (*Canutus*'s) Life; but he was anſwered by 'em, That they were ignorant of any Proviſion made for his Brethren at any time; but this they were ſure of, That *Edmund* on his Death-Bed had recommended the Care and Protection of his Children to him, till they came to Age capable of the Government of his Kingdom: but, ſayes *Florence* of *Worceſter*, God knows they bore falſe Teſtimony, and ly'd falſely; but they thought by this means to intitle themſelves to ſome great reward, or at leaſt to a Room in his Favours and Affections; but after by this means he had obtained the Crown, they found themſelves miſtaken; for, he wiſely conſidering that ſuch Time-ſerving Polititians as had betray'd their true Maſter's Intereſt, would no longer be true to his than it ſtood with their convenience, therefore he ſoon found means to cut moſt of 'em off; a true and juſt reward for their diſloyalty.

* M. VVeſtm. ubi ſupra. Fl. VVigorn. f. 618. ——Verum illi, teſtante Deo, falſum perhibuerunt teſtimonium, & fraudulentes mentiti ſunt, exiſtimantes illum ſibi & mitiorem eſſe propter mendacium eorum, & ſe ab eo præmium ſumpturos magnum, ex quibus falſis teſtibus quidam poſt non longum tempus ab eodem rege ſunt interfecti.

† M. VVeſtm. f. 209. VV. Malmeſb. l. 2. c. 12. f. 76. Flor. VVigorn. 622.

Canutus being dead, and having appointed his youngeſt Son *Hardicanute* for his Succeſſor by his Will (it ſeems Princes in thoſe days took upon them the diſpoſing of their Crowns, without asking the conſent of the people) his Second † Son *Harald*, as having the advantage by ſeniority of Birth, laid claim to the Crown, aſſerting that he being Elder Brother and Legitimate (which, by the by, was falſe, but however it ſerv'd his turn for the preſent) it was not in his Fathers power to rob him of his Birth-right; to determine therefore the juſtneſs of his Title, a great Council was aſſembled, where the buſineſs (*viz.* who had the greater Right to the Crown) was very warmly debated on both ſides, and was at length decided in favour of *Harald*, he having the greateſt part of the Nobility and the City of ‖ *London*, which was then by the long continuance of the *Danes* there, degenerated into barbariſm: and tho' this Gentleman would make us believe this was an Election; yet I am perſuaded it was nothing leſs, becauſe the point in Controverſie was, who had the moſt Right and beſt Title to the Crown: beſides, if we may give Credit to the ** Hiſtorian, who ſayes, *Placitum magnum de regni Succeſſione apud Oxonium factum eſt*; it was only a bare pleading and arguing the juſtneſs of *Harald*'s pretences, †† who by the corruption and partiality of the Judges got the day, notwithſtanding all the endeavors of Q. *Emma* and Earl *Godwin*, who objected *Harald's* illegitimacy, and the Will of the deceaſed King (ſo far were they from endeavouring to make any court to the people, for the procuring of theirs, that they only deſired their aſſent to the juſtneſs of his Title, which certainly in an Elective Monarchy no man can pretend to:) but *Harald* being ſenſible how unjuſtly he had obtained the Crown, uſed a great deal of Addreſs and Cunning to cut off all his Competitors; and it was the hard Fortune of poor *Alfred* to fall into his cruel hands by the treachery of Earl *Godwin*, and was preſently after moſt barbarouſly murder'd: and yet our *Pamphletter* has the impudence to tell us, That the Nobility, after the expulſion of the *Danes* proceeded to Elect him, which is as notoriouſly falſe, as a great many more of his Forgeries.

‖ Qui jam penè in barbarorum mores propter frequentem convictum tranſiverant. VV. Malmſb. ubi ſupra.

** Brompton f. 932.

†† ——quaſi juſtus hæres (ſc. Haraldus) regnare, nec tamen ita potenter ut Canutus, quia juſtior hæres expectabatur Hardicanutus: (*which how it could be, and yet the Kingdom be Elective, I cannot conceive?*) F. VVigorn. ubi ſupra.

But *Harald Harefoot* being dead, to make ſome amends for their former undutiful carriage, they ſend to * *Hardicanute*, then at *Bruges*, an offer of the Crown, which he before had been unjuſtly deprived of; which he accepts, and comes immediately into *England* to be Crowned; ſo that all this while we find not ſo much as one pretence of believing this Kingdom to be Elective.

* M. VVeſtm. f. 210 Fl. Wigorn. 623.

After his death, the Engliſh grown weary of the Daniſh ſlavery, at laſt reſolve

ſolve to return to their Duty, and reſtore the *Saxon* Line to the Crown it had ſo long been, contrary to all Law and juſtice, kept from the poſſeſſion of; in order to which they enter into a joint * Aſſociation, and reſolve to ſtand by one another (as the modern phraſe is) with their Lives and Fortunes in depriving, for ever, the *Danes* of that Government they had no pretence or right to, but what the Sword gave them. Nor can this be any Argument for the Power of Parliaments in diſpoſing of the *Succeſſion*, for what was done by the Great Council then, was but their Duty, ſince they were bound in Conſcience upon the firſt opportunity to endeavour the ejection of an Uſurper, and the Reſtauration of the true Heir to the Throne of his Fathers.

* *Brompton* 934

In purſuance to this Reſolution, it not being well known what was become of *Ironſide*'s Children, or if it were, they being at that time in *Hungary*, and having few or no Friends to aſſert their Right, by the Power and Intereſt of Earl *Godwin*, whoſe Daughter *Edward* had married, the † *Confeſſor* as the lawful and next Heir, was advanced to the Crown; but he, good Prince, knowing the Right his Nephew had to the Crown, ſends for him home, that after his death he might ſucceed in that Kingdom, which *Jure Hæreditario ei debebatur*, ſayes one of our moſt conſiderable ‖ Hiſtorians, was due to him by Hereditary Right: and if ſo, how could the Government be Elective? Nor was there any danger like to accrue to *Edward* by this, ſince not only the memory of ſo great an Obligation as this was, would keep him from attempting any thing in his Uncles prejudice; but if he had any ſuch Deſign, he being ſo great a Stranger, would want a ſufficient Intereſt to bear him out. But, he dying preſently after his Arrival, his Eldeſt Son *Edgar* was look'd upon by every one to be Heir Apparent to the Crown, which all our ** Hiſtorians with open cry tell us was his due by Birth-right; nay, ſo commonly was the opinion received, that he was vulgarly called *Atheling*, which what it ſignifies, we ſhall beſt be informed by an Old *Engliſh* Poet: ſpeaking of the endeavours of ſome Honeſt and Great Men to have had this *Edgar* crowned according to Law, Juſtice and Equity, in this manner:

† *F. nigorn.* f. 624. M. VVeſtm. f. 212. VV. Gemiticens. de Ducibus Norman. in vit. *Guliel.* Conq. c. 9.

‖ M. VVeſtm. f. 221. *Fl. wigorn.* f. 633. *w.* Malmſ. c. ult. lib. 2. f. 93. ut aut ille aut filii ſui ſuccedant regno Hæreditario Angliæ.

** M. VVeſt. f. 221. M. Paris. f. 2. &c.

The gode treowmen of the londe wolde aabbe ymade King.
The kind cir, the young child Edgar Atheling.
Who ſo were next King by kinde me cluped him Atheling.
Therefore me cluped him ſo, vor by kind he was King.

Rob. of *Glouceſter.*

And ſince this *Edgar* had no Title to the Crown, upon the Account of any Election, but by Right of Blood and Inheritance, which are things altogether incompatable with an Elective Government, I cannot for my Life underſtand, how any man can find any thing to favour my Adverſarie's Opinion.

And tho', his Party not being ſtrong enough to aſſert his Right, he was put by, by †† *Harald*, Earl *Godwin*'s Son; yet every Body muſt acknowledge, it was moſt unjuſtly done; ſince *Harald* could neither pretend right of Blood, nor Election: For it was ſo far from that, that he, contrary to the Rights of Holy Church, without any Ceremony, and without expecting either the Votes of the Nobility, or the Aſſiſtance of the Prelates, he ſet the Crown upon his own Head, nor durſt any body gain-ſay it: ‖‖ For he had a great part of the Land of *England* in his own Poſſeſſion; but were *** forc'd and compell'd for fear, to ſwear Allegiance to him: But at length, he met with a juſt Reward for his Diſloyalty, loſing both his Crown and Life at once, to Duke *William*, who had as little Right as he.

†† M. Paris. f. 2. *Fl. wigorn.* 633.

‖‖ W. Gemiticens ubi ſupra.
*** — Extortâ fide a majoribus ſibi regnum (ut jujurias ſuas acumularet ampliores) diadema ſine eccleſiaſtica authoritate imponendo aſſeruit. M. P. ubi ſupra.

And thus, I hope, I have made it clearly evident, that my *Antagoniſt* has been wretchedly miſtaken in all his Inſtances, during the *Saxons* Government; and tho' he pretend, he pick'd but a few out of the many he could have produced; yet without diſparagement to his exquiſite Diſcernment, I think I may truly ſay, he muſt have had a great deal better Eyes than my ſelf, to have found them, and

a great deal more Dexterity than I can perceive he is Maſter of, to have by wreſting and Wire-drawing, the meaning of his Authors, made more.

But tho' he may have had ill luck hitherto in his Undertaking; yet perhaps he may ſucceed better in his Endeavours, after the *Normans* had made themſelves Maſters of this Iſland; but I am afraid, when we come to examine, *How, and in what manner, and upon what Grounds, the Natural courſe of the Deſcent hath been changed?* We ſhall find very little reaſon, not ſtill to *ſeem aſtoniſhed at the boldneſs of the men*, who would perſuade us, that a Link of the ſacred Chain of Succeſſion may be broke ſo often as a Parliament thinks fit: For if we look but with an impartial Eye upon the Hiſtory of thoſe times, we ſhall find, that ſuch a courſe of Succeſſion as I am contending for, has been conſtantly conſerved, unleſs diverted out of its due Channel, by ſome powerful and ambitious Prince, who by Cunning, Subtilty, Artifice and Addreſs, and by the Aſſiſtance of ſome Popular Friend, has jugled himſelf into the Throne; and tho' we find ſome of them debaſing their Prerogative, truckling to, and courting the People for their Approbation, thereby hoping to ſtrengthen a crack'd Title, and make up in Power, and their Favour what it wanted, as to its Legality, I preſume, no man, of even Common Sence, can take that for an Election, ſince it ought to be a *Solemn, Free, Sedate and deliberate Act*; which I am ſure, none of my Adverſaries Inſtances can pretend to be: Beſides, it ſeems very ſtrange to me, that the Kings of thoſe Times, ſhould Intitle themſelves to the Crown, only from the Conſent of the People; and that we ſhould no where find mention of * Adminiſtrators of the Government, betwixt the Death of the preceding King, and the Election of his Succeſſor; ſince, without ſuch a Proviſion (and ſuch a one, I am ſure there never was) the Kingdom muſt neceſſarily have run into Anarchy and Confuſion; eſpecially if the Crown were engaged in a War at the Death of any King, which has above once happen'd; therefore I think my Lord *Coke* † had reaſon for ſaying, *This Kingdom is a Monarchy ſucceſſive by inherent Birth-right, of all others the moſt abſolute and perfect Form of Government, excluding* Interregnums, *and with it infinite Inconveniencies.*

* Vicar Generals, they are ſtiled in the Empire.

† In the Preface to his fourth Book of Reports.

But proceed we now to examine his Proofs; and firſt he tells us, *King* William *himſelf being illegitimate, yet ſucceeded his Father in the Dutchy of* Normandy; *and therefore had no great reaſon to ſet any great value upon that ſort of Title, which is derived from Right of Blood.* But if he had pleas'd to have examin'd the matter a little more narrowly, he would have found, that ‖ *Arlotte* the Conqueror's Mother, was afterwards lawful Wife to Duke *Robert*, which ſubſequent Marriage was according to the then almoſt univerſally received Canon Law, not only ſufficient to render him Legitimate *quoad Sacerdotium*; but *quoad Succeſſionem* too; tho' the latter was not allowed of in *England, propter conſuetudinem regni, quod ſe habet in contrarium*; ſo that at a Parliament holden ** *Anno* 20 *H.* 3. for that to certifie upon the King's Writ, that the Son born before Marriage, is a Baſtard, was *contra communem formam Eccleſiæ, Rogaverunt omnes Epiſcopi magnates ut conſentirent, quod nati ante Matrimonium eſſent legitimi ſicut illi qui nati ſunt poſt Matrimonium, quantum ad Succeſſionem hæreditariam, quia Eccleſia tales habet pro legitimis: & omnes Comites & Barones una voce reſponderunt, Quod nolunt leges Angliæ mutare, quæ hucuſque uſitatæ ſunt & approbatæ*; but how it can reaſonably be extended to *Normandy*, I cannot underſtand, for then *William* had been excluded.

‖ M. Weſtm. f. 208. W. Malmſb. lib. 3. f. 95.

** *Coke* 1 *Inſt.* f. 245. 2.

But to go on, *William* having conquer'd this Iſland, which he pretended to upon the account of the *Confeſſor*'s donation: upon his Death-bed bequeathed the Kingdom of *England* to his Second Son *William*, his Eldeſt Son *Robert* being then in actual Rebellion againſt him; but *Rufus* being too wiſe to rely upon his Fathers Will, which was contrary to all Right and Juſtice, †† Poſts away out of *Normandy* immediately into *England*, ſeiſes upon his Fathers Treaſure, and very ** liberally beſtowes it amongſt the people, giving Gold

†† M. Par. vit. W. 2. in prin. P. Virg. lib. 10.

** In pecuniâ diſpergendâ neque ſegnis, neque parcus omnem Theſaurum patris Wintoniæ accumulatum, in lucem proferens Monaſteriis Aurum, Eccleſiis Parochianis Argenti Solidos quinque, unicuique provinciæ libras centum, egenis dividendas miſericorditer aſſignavit. M. P. ubi ſupra.

to

to the Monaſteries, five ſhillings to every Pariſh Church, and a hundred pound to to every Province, to be diſtributed amongſt thoſe that were needy and in want; promiſes over and above an emendation of the hard Laws his Father had impoſed upon his Subjects, and a ſpeedy redreſs of the Grievances which then the People groan'd under; by which ſpecious pretences, and by the aſſiduous endeavours and great intereſt of *Lanfranck* Archbiſhop of *Canterbery* (for the Clergy in thoſe days had no ſmall influence upon Affairs) he ſo far prevailed with the generality of people, that, according to his Fathers will, which was very much urged in his favour, he was received with the Shouts and Acclamations of the Croud; where he was immediately proclaimed, and ſoon after Crowned King; but in ſpight of all their endeavours, they were not able to corrupt the Loyalty of ſome ſtout and generous † *Normans*, who, as in duty they were bound, reſolved to ſtand firm to *Robert*, to whom by the Laws of God and Nature (ſuppoſing the Conqueror had lawfully enjoy'd the Crown) the Royalty was due; but their brave undertaking was rendered uneffectual by the policy of *William*, who found means to take ſome of them off, and by the aſſiſtance of the ‖ *Engliſh*, to reduce the reſt. And here this Gentleman takes occaſion to obſerve, that the Conqueror by his abſolute Victory, did not ſo wholly break the *Engliſh*, that all the Old Laws and Cuſtoms were deſtroy'd, becauſe they wanted not hands to uſe thoſe Weapons which were put into 'em for the defence of *Rufus*: and thence, I ſuppoſe, infers that the Conqueror came not to the Crown, ſo much by Arms as Conſent of the People: but how ſenſeleſs and rediculous a pretence this is, I leave to himſelf to judge, ſince a ſure and faithful ** Hiſtorian will inform him, that *William* having left the *Engliſh* Hoſtages in ſafe Cuſtody in *Normandy*, return'd into *England to diſtribute the Lands of the Engliſh amongſt his Norman Souldiers that had aſſiſted him to ſubjugate that Country, which he did very liberally, having expell'd the owners out of their poſſeſſions*, and that little he was pleas'd to leave to ſome of 'em, *he put under the ſlaviſh Tenure of perpetual Villenage*; which certainly he never could have done, had he not both obtained and governed the Kingdom *Jure gladii*. Whence I have digreſſed; *Rufus* and his Brother *Robert* came to this Agreement, at the length that the latter, †† *becauſe of the manifeſt right he had to enjoy the Crown, ſhould have a yearly Penſion of three thouſand Marks out of the Revenue of* England; *and he that ſurviv'd the other, if he died without Children, ſhould be Heir to the deceaſed Brother*: and ſo far were they from thinking this Agreement ſtood in need of the Ratification of a Great Council, that there was *but Twelve of their Principal friends on each ſide Sworn* to ſee it duly obſerved.

But *Robert* being abſent in the *Holy Land*, at *Rufus*'s death the great men of the Kingdom were mightily afraid of being long without a King (it ſeems they were of opinion that *Robert* had a right to govern) which *Henry* his Younger Brother wiſely perceiving, reſolved to take time by the Fore-top, and improve this Opportunity to the Supplanting of his Brother, and Advancement of himſelf; therefore to win the Affections of the Great Men, he was very liberal in making them ‖‖ Preſents, and promiſing larger Rewards (the uſual and moſt prevailing Rhetorick of Competitors) repreſenting to 'em his Brother's Cruel Diſpoſition, and that he himſelf was their own Country-man, and born after his Fathers coming to the Crown which gave a reaſonable pretence to expect to be prefer'd before *Robert*; and having bound himſelf by Oath, to make a full Reſtitution of all their Ancient Laws, and confirm them by his Charter, and abrogate ſuch ſevere ones as his Father had made, they did * unanimouſly conſent to conſecrate him King, and I cannot ſee how this that was managed with ſo much Bribery and Corruption can properly be call'd an Election; however, I think we need not wonder to find this King publickly owning the conſent of the people to be the foundation of his Advancement

*M. Par. vit. G. 2. in prin. P. Virg. l. 10.

† M. Paris. ubi ſupra. M. Weſtm. f. 231.

‖ Sim. Dunelm. anno 1088. fol. 214.

** ——— Ut commilitonibus Normannis qui in bello Haſtingenſi patriam ſecum ſubjugaverant, terras Anglorum & poſſeſſiones, ipſis expulſis, manu diſtribuat affluenti: & modicum illud quod eis remaneret ſubjugo poneret perpetuæ ſervitutis. M. Par. in vit. W. 1. in prin.

†† — Propter manifeſtum jus quod habuit ad Regnum poſſidendum, Roberto ſingulis annis tria millia Marcarum Argenti daret ab Anglia, & quis eorum diutius viveret Hæres eſſet alterius, ſi abſque filio moreretur; Hoc autem per duodecem magnates juratum fuit utrinque —— M. Weſtm. f. 236.

‖‖ P. Virg. lib. 11. partim dando, partim grandia polliendo munera, &c.

* — In ipſum conſentirent, & in regem unanimiter conſecrarent. —— M. Par. vit. H. 1. in princi pio.

tment to the Throne: for he muſt either acknowledge that, or openly profeſs himſelf an unjuſt Uſurper, ſince he had no other way to entitle himſelf to it but that. But what his thoughts were, as to the juſtneſs of that Title, *M. Paris*, after he has told us that the Enterview between the King and his Brother *Robert*, in order to compoſe their differences (for the latter had laid claim to the Crown as his Birth-right, and had no inconſiderable Party to back him in it) had proved ineffectual, and that the breach was thereby rather widened than leſſened, * informs us, that *Henry* who wasb both lately inſtructed in the Law concerning this point, and otherwiſe very learned, feeling the ſtings of Conſcience for his *unjuſt obtaining of the Crown* in prejudice of his elder Brother, he began to be afraid of his Adverſaries, and to fear the juſt Judgement of God Almighty, for depriving him of, and wickedly uſurping (it ſeems the Election of the People could not render him guiltleſs of ſo foul a Crime) that *Kingdom which he had a manifeſt Right to*; (ſo that the people were very far from having a power to deprive the one of his Birth right, much leſs to confer it on another). But he notwithſtanding all this, fearing man rather than God, endeavoured to incline the Nobility to his party by crafty promiſes, hoping to ſatisfie God for the Commiſſion of ſo great an Injury, by founding a Religious Houſe. (A ſtrange way, you will ſay, of attoning for ſo horrible Impiety.) And thus you ſee what a ſlender Opinion this wiſe Prince, (who had as much reaſon to ſet a Value upon it, as any one) had of a Title that was built upon no ſurer Bottom, than the Choice of the People.

* Rex itaque *Henricus* ſentiens Conſcientiam ſuam in obtentu regni cauteriatam, erat quippe eleganter literatus, utpote a primævâ ætate præcepto Patris addictus literis, & jam in jure quod audiverat, ſecretò expeditus, cepit in ſemetipſo impetus inſurgentium formidare; & Dei juſtitiam in ipſum fulminare, eo quod fratri ſuo primogenito, cui Jus Regni manifeſtè competebat, temerè uſurpando, injuſtè nimis abſtulerat; ſed plus timens homines quam Deum, Regni Nobiles primò ſubdolis pollicitis inclinando conciliavit, cogitans poſtea perfundationem Abbatiæ, quam conſtruere propoſuerat, de tantâ injuriâ Deo ſatisfacere. M. Par. vit. H. 1 Anno 1104.

Henry fearing leaſt ſome body might do as much for his Son *William*, as he had done for his Brother; having call'd a Council, made all his great Men ſwear Faith and Allegiance to him ('tis † *fecit jurare* in the Original; tho' our Pamphleteer would fain inſinuate the contrary) But *William* being dead in the 27*th*. year of his Reign (as we are inform'd at large from ‖ *Malmsbury*) *Henry* calls a Council, and having opened the juſtneſs of his Daughter, the Empreſs *Maud*'s Title to the Crown, as being deſcended on one ſide from *William* the Conqueror, and deriving her ſelf on her Mother's Side, from the Blood Royal of the *Saxons*, who in a long continued, and uninterrupted Series, of Kings lineally Succeeding one another, had enjoy'd the Crown till the Arrival of the Conqueror; he commands all there preſent, of any Moment, to ſwear Fealty to his Daughter: And **again, in his 31. year he called another Council, and made all thoſe that had ſworn before, renew their Oath, and took it of thoſe that had neglected it before. Which to me is clear Evidence, that this was nothing leſs than Election of the Empreſs for their future Sovereign; ſince 'tis very unlikely, they needed have perform'd that Ceremony more than once, much leſs twice in four years: beſides, here is no mention of choſing, or any thing like it; but only of ſwearing Faith and Allegiance; to which add, that this Council here, and all along before, ſpoken of was compoſed only of ſuch perſons as were Tenants in *Capite* to the King.

† M. P. f. 66. Gervas. Chron. 1138.

‖ W. Mâlmſb. Hiſt. Novel. l. 1. f. 175.

** W. Malmſb. Hiſt. Nov. f. 177. Anno 31 regni ſui Rex *Henricus* rediit in Angliam, Imperatrix quoque eodem anno natali ſolo adventum exhibuit, habitoque non parvo procerum conventu apud Northamptonam, priſcam fidem apud eos, qui dederant, novavit, ab iis qui non dederant accepit.

Yet notwithſtanding all this care, upon the death of the King her Father, *Maud* was moſt unjuſtly deprived of her Right, and by him too that always had been the firſt man that ſware to the contrary: For, *Stephen* * being a man of great Reſolution, and a very good Souldier; whereby he had acquired no ſmall reputation, and gain'd a very conſiderable Intereſt; and being aſſiſted by ſeveral of his Friends, and more particularly *Henry*, Biſhop of *Winchester*, he thought it would prove no hard matter to ſet the Crown upon his own Head; but at the firſt diſcovery of his Deſign, a great many of the Nobility were extremely ſtartled at the Horrid Impiety of the Man; which, he perceiving, began to ſoften 'em with fair words and large promiſes

* P. Virg. l. 12. M. Par. vit. Steph. An. 1135.

promiſes of future rewards; but that which did him the beſt ſervice, was ready money, a Golden Bait that ſeldom fails of being ſwallowed by all to whom 'tis proffer'd. He obliged himſelf moreover, to conſent to ſuch good and gentle Laws as they ſhould deviſe; and ſo by theſe Arts, and the reſtleſs endeavors of his Friends, he made a ſhift to ſqueeze himſelf into the Throne, contrary to his repeated and ſolemn Oaths to the contrary, and all Laws Divine and Humane; and yet this has the good luck to paſs, with this Gentleman, for an Election; but certainly, he muſt take his Readers for either Fools or Mad-men, to think they would be impoſed on by ſuch ſilly Cheats as this.

Stephen had come to the Government too unjuſtly, to be like to continue in it long without Diſturbance; for preſently the Empreſs endeavor'd to recover and regain that right ſhe was ſo impiouſly deprived of; and after various Fortune of War, ſhe having reſigned her right to her Son *Henry*; *Stephen* and he, by the Interceſſion of ſeveral good and Holy Biſhops, came to a final Agreement. God looking down upon the Juſtice of *Henry*'s Cauſe, *Stephen* in an Aſſembly of a great many of the Biſhops, and other Great Men, * acknowledged, that *Henry* had an *Hereditary Right to the Kingdom*; (and if ſo, I would fain know, with what Juſtice the people can pretend to any power of diſpoſing of the Crown?) and he was graciouſly pleaſed to grant, that *Stephen*, as long as he liv'd, if he were ſo minded, might ſtill enjoy the Government; and then thoſe preſent, were ſworn quietly, upon the Death of *Stephen*, to receive Duke *Henry*, as their Natural and Lawful Sovereign.

* Rex *Stephanus*—recognovit, in conventu Epiſcoporum & aliorum regni optimatum, quod jus Hæreditarium Dux *Henricus* in regnum habebat: & Dux benignè conceſſit, ut Rex *Stephanus* totâ vitâ ſuâ, ſi vellet, Regnum pacificè poſſideret, &c. M. Par. vit. Steph. 1153. f. 86. M. Weſtm f. 246.

And accordingly, upon *Stephen*'s Death, *Henry* being both lov'd and fear'd by every one, came very calmly to the Throne; and he having ſufficiently experienc'd what an alluring Temptation a Diadem is; and that Men of Pride and Ambition, make no Conſcience of breaking through all Obligations and Ties, that may obſtruct their Advances to ſo glittering a Bait, thought the only way to ſecure the Crown, without Diſpute, to his Eldeſt Son *Henry*, was to ſet it upon his Head before his Death; but before that time came, he had ſufficient cauſe to repent his Choice of this unfortunate Courſe. However, this my Antagoniſt would have thought an Election of the Young Prince to ſucceed his Father, without which he could not pretend to it; but if he do but look upon that very Author † he has quoted, he will find, if he have any remains of Modeſty in him, what Reaſon he has to bluſh at his Diſingenuity; for he will there find, that the great men were afraid they were call'd to give an account, and ſuffer the King's Cenſure for ſeveral unjuſtifiable Neglects they had been guilty of (ſurely either this Council was very far different from what we call a Parliament now; or the Times are ſtrangely alter'd with 'em) but when they found 'twas only to aſſiſt at the Coronation of Young *Henry*, they were right glad; they all the time being filled with Wonder and Amazement; they being ſo far from pretending to any power of Election, that they only look'd on, and then ſware Fealty. Beſides, ‖ *M. Paris* tells us, that the King having call'd his Biſhops, commanded them to ſet the Crown upon young *Henry*'s head, without taking any notice of any others, as if there had been none preſent but they; which he certainly would never have done, if ſo ſolemn a Ceremony as an Election had been neceſſary.

† Gervas. H. 2. f. 1412. Ipſâ die Henricum filium ſuum qui eadem ſeptimanâ de Normanniâ, militem fecit. ſtatimque ſtupentibus cunctis & mirantibus in Regem ungui Præcepit & coronari——coronatus itaque novus rex ex præcepto patris ſui, ſuccepit fideſitates.

‖ M. Paris vit. H. 2. Anno. 1170.

Henry was ſucceeded by *Richard* his Eldeſt Son, living at his Death; without any proviſion made in his Fathers life time, in order thereto from the conſent of the people, unleſs he will call an Article of Peace between King *Henry* and the King of *France* one: and certainly he muſt mean that if any thing, when he ſayes his Father was glad to get the Succeſſion confirm'd to him; but by this it

was only * Provided, *That* Richard *should receive Homage from all his Fathers Subjects*: but for all this, he tells us, That he was again Elected after his Fathers Death; which to mee seems very strange, for one would have thought one Election would have serv'd his turn; but 'tis like the rest of his incoherent Discourse: besides, I cannot believe King *Richard* would afterwards have taken upon himself to declare his Nephew † *Arthur* his Heir, unless he had known that the Kingdom was Hereditary, for in an Elective Monarchy there can be no such thing.

* Provisum est etiam quod Comes *Richardus* acciperet Homagia hominum de omnibus terris Patris sui citra mare & ultra. M. Paris f. 151.

† Flor. Hist. Anno 1190. M. Paris vit. R. I. An. 1190.

But notwithstanding King *Richard* being kill'd at *Chalize*, he was most unnaturally put by his Right by his Uncle ‖ *John*, who immediately seized upon his Brothers Treasure, and retaining all his Servants and Stipendiary Souldiers in their former Condition, he comes into *England* after having very generously distributed his Money amongst those, that he thought were capable of doing him any Service, and having first sent several of his Principal Friends thither, who made the people swear Allegiance to him; tho' at first he met with some rubs in his way, from some Loyal and Brave Persons who adhered to *Arthur*, as their *Natural Liege Lord* (as the ** Historian expresses it) alledging, that, according to the received Custom, *Arthur* the Son of the Elder Brother ought to succeed into that *Hereditary Patrimony* his Father *Geofry* should have enjoy'd, had he outliv'd his Brother King *Richard*; but having call'd a Council of all those, †† *Qui ejus Coronationi interesse debuerant*, Archbishop *Hubert* made such a Speech to 'em, as (he sayes truly) would have startled the Convocation in 1640; but it sounded as strangely to those then present, to hear him assert, That no one could have any Title to the Crown, *Nisi ab universitate Regni unanimiter electus*, and to run on at so notoriously false and extravagant a Rate: but he being a very Potent Man, both the King and the rest were forced to hear him patiently, but with no small concern, that a man of his incomparable Wisdom, and so considerable a Pillar of the Commonwealth should openly maintain so strange a Doctrine; but none were so deeply touched as those good and honest men, who being fully persuaded of the justness of *Arthur's* Title, were extreamly surprized to find a Clergyman and Archbishop the principal *** Actor in depriving the poor Prince of that *Hereditary Kingdom*, which by *Birthright* was his due, contrary to all Law and Justice, setting the Crown on *John's* Head.

‖ M. Paris. An. 1199. in. vit. Johan.

** M. Paris. ubi supra.

†† M. Paris ubi supra.

*** ——Aut fraudandi Arthurum optimum Adolescentem, avito regno, aut contra jus fasque Johannem regem creandi, authorem esse. Pol. Virg. lib. 15. in princ.

But the business being over, the Achbishop was asked why he would, in the face of the Sun, offer to deliver such false Principles; upon which the Good Man, not well knowing how to give an handsome Reply, ventures upon defending, or at least excusing one Lye by another; telling them ††† That his mind did not only forebode it, but he was inform'd in a Dream from God, that one day this *John* would prove a very ill Prince; and therefore he delivered that Doctrine, tho' false, that *John* remembring by what Tenure he held his Crown, might have a Check upon him, to prevent his running out too far in his Extravagancies: so that he having acknowledged what he then delivered to be false, the contrary must needs be true; for there is no *medium* betwixt them; and all this consider'd, you may see how much Reason you have to admire the Gentleman's Candor and Sincerity in relating this Transaction.

††† Respondet se præsagâ mente conjecturare, a quibusdam oraculis edoctum & certificatum fuisse, quòd ipse *Johannes* Regnum & Coronam aliquando foret corrupturus, & in magnam Confusionem præcipitaturus, & ne habeat liberas habenas hoc faciendi ipse Electione non Successione Hæreditariâ, eligi debere affirmabat.

But King *John* had not enjoy'd the Crown long, but he felt the effects of this popular Doctrine, which the Archbishop had instilled into the peoples heads: for they growing weary of his Government, that was partly Arbitrary and Tyrannical, withdrew their Obedience from him, and elected *Lewis* Son to the *French* King (which how they could do, and not be guilty of Rebellion, I am not able to understand) but however, it was not as my Pamphleteer would have it, more easily consented to by *Philip* his Father, because King *John* had been condemned

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and attained for Treaſon in his Brother *Richards* time, becauſe he was pardoned all his Crimes by that King, as * *M. Paris* will inform him; but becauſe he ſtood attainted for the Murder of † Duke *Arthur*, for which he had in *France* been try'd by his Peers and condemned.

* Vit. R. 1. f. 176.
† M. Paris. f. 281. M. Weſtm. f. 275.

But King *John* dying in the midſt of theſe Troubles, his Son *Henry* the Third being then under Age, was advanced to the Throne by the Loyal endeavours of the Earl *Marſhall* and the Legate *Walo*, with ſeveral other Great Men, who, *Weſtminſter* the uſual place of Coronation being in the hands of *Lewis* and the Rebel Lords, before the great Altar in the Conventual Church at *Glouceſter*, *annointed and ſolemnly crowned* him, ſayes the ‖ Hiſtorian. And tho' from the Speech which was made to that party of the Nobility that was there then, by the Earl *Marſhall*, 'tis pretended that *Henry* was Elected; yet I dare ſay, if any one do but impartially conſider the Tenor of it, he will find that the Deſign of it was rather to perſuade thoſe preſent to return to their Duty, and acknowledge him for their King, whom God and Nature had deſigned for that great Charge: for he begins his Diſcourſe to 'em thus ** *Ecce Rex Veſter* (which he certainly then could not be, if their Election were neceſſary to make him ſuch) and amongſt the reſt of his Arguments, ſayes to 'em thus ---*hunc igitur libeat regem dicere cui ipſum regnum debetur*---- You ought to chooſe him to whom the Kingdom is due (which ſurely it can be to none, if it be not Hereditary) and what puts all out of doubt that the Kingdom was not then (and if not then, I am ſure never ſince) Elective, is the Anſwver of *Hubert de Burgo*, that great both Stateſman and Souldier, to *Lewis* vvhen he ſummon'd him to deliver up *Dover* to him, ſince his Maſter for vvhoſe uſe and ſervice he had ſo long and valiantly defended it, vvas dead; †† *If my old Maſter*, ſayes he, *be dead, he has left behind him Sons and Daughters which ought to ſucceed him.* A thing he never vvould have aſſerted, had he not thought there had been a Divine Right ſomevvhere elſe than in the people.

‖—Eſt—Henricus Johannis primogenitus, in regem inunctus & ſolenniter coronatus. M. Weſtm. f. 277.
** H. Knighton. l. 2. c. 15. f. 2426.
†† Si Dominus meus mortuus eſt, habet filios & filias qui ei ſuccedere debent. M Par. vit. H. 3. in prin.

Henry the Third being gone the vvay of all Fleſh, his Eldeſt ſon *Edward* ſucceeded him: a Prince of moſt extraordinary hopes, and vvhoſe Life let the World ſee it vvas not deceived in him; this Prince, at his Fathers death, vvas abſent in the *Holy Land*, in purſuit of Honour there; yet notvvithſtanding, in a great Council held at *London*, ‖‖ *he was recognized and acknowledged to be their Natural Liege Lord, and Lawful Succeſſor to his Fathers Throne.* We meet not here vvith any thing like Election, vvhich no doubt vve ſhould not fail to do, if there vvere any ſuch thing practiſed.

‖‖ Edwardum abſentem Dominum ſuum Ligeum recognoverunt, paternique Succeſſorem honoris ordinaverunt. Tho. Walſingh. vit. E. 1. f. 43.

But becauſe we are told (page 6) that whether *Edward* were the Eldeſt Son of his Father or no, remains a doubt in Hiſtory, I ſhall endeavor, notwithſtanding the pretences of the Houſe of *Lancaſter* to the contrary, whoſe Intereſt it was, (as the Foundation upon which the Juſtneſs to their Claim to the Crown was founded) to have it thought otherwiſe, aſſure him from one that had as good an Opportunity, and great Reaſon to know as any man, that *Edmund* was ſix years younger than his Brother *Edward*: For, ſays *M. Paris*, who lived in the Time of *Henry* the 3*d*. and was very great at Court, * *Edward* was born the 15*th*. day of *May. An.* 1239. at *Weſtm.* and upon S. *Marcellus*'s day *An.* 1245, Queen *Elianor* preſented the King with another Son, who, by his Command, was called *Edmund*; and tho' it was ſometimes ſaid he was put by for his Deformity, yet 'tis well known how notoriouſly falſe that Scandal is: For he had his Name *Crouch back*, not becauſe he was crooked, but by reaſon of a Croſs he uſed (as did all thoſe that took upon them the *Croiſado*) to wear upon it.

* M. Par. 488.
† M. P. f. 654.

The next was that Unfortunate Prince *Edward* 2. who ſuffering himſelf to be too much guided by his Minions, fell at length into ſome arbitrary and irregular Courſes that brought the hatred and ill will of his Subjects to that degree upon him, that by the diſloyal and ambitious Practices of his luſtful and laſcivious Queen, and undutiful and unnatural Son, he was at laſt deprived both of his Crown and Life; an Action ſo inhumane, barbarous and deteſtable, and every way ſo unjuſtifiable, that I cannot but wonder with vvhat Brow and Confidence, any man

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can bring that as an Inſtance of the Power of Parliaments. At this rate, the blackeſt Villanies that Hell can invent, may be defended, if it be but as ſucceſsful as 'tis impious. Beſides, ſhould we but once allow it lawful for Subjects, when they think fit, to depoſe and murder, or as then 'tis call'd, bring to Juſtice their Princes, we ſhall not only undermine the very Foundations of all Government, but give a fatal Blow even to Chriſtianity it ſelf: And well might the poor Prince ſolace himſelf, in the midſt of all his almoſt inſupportable Afflictions, with the hopes of having his Son (whoſe Wickedneſs he was ignorant of) Reign after: For it would be no doubt, no ſmall comfort to him, to think that thoſe Men who in Contempt and open Defiance to the Laws of God and Nature, had proceeded to perpetrate ſo horrid a Crime, that a Heathen of the true *Roman* Stamp, would have bluſh'd at the thoughts of, ſhould not yet ſo far forget themſelves, as to reject every Branch of that Tree, at whoſe Root they had ſtruck ſo great a Blow. Surely from Times ſo diſturbed and unſettled as theſe, Men of either Honeſty or Common Sence, will not offer to bring Preſidents to direct themſelves by.

After a long and Glorious Reign, *Edward* the Third, who, after the Death of *Edward* the Black Prince, had in Parliament created *Richard* of *Burdeaux*, Earl of *Cheſter*, and Prince of *Wales*, in a ſhort time after, left the Crown to this Young Prince, another of our unfortunate Kings; † and ſo far is it from being true, that his Title to the Crown was queſtioned by *John* of *Gaunt*, the great Duke of *Lancaſter*, that he was, at the latter end of his Father's Reign, intruſted with the Lieutenancy of the Realm; and after his Death, was Protector to the Young King, during his Minority: which certainly had never been if *John* of *Gaunt*, *jure propinquitatis*, had claim'd the Crown, it being dangerous to put ſo great a Truſt and Power into the hands of a Competitor: Nor was ever the Succeſſion confirm'd to him by Parliament, any otherwiſe than I have mentioned. Neither can *Polydore*'s *Regem dicunt*, if you leave out this Gentleman's diſingenuous Addition of [*by their Common Suffrages*] for there is no ſuch thing in the Original, ſignifie any more, than that he was proclaimed King; But it would be well for this unhappy Prince, if he might but as quietly quit, as he enter'd into the Throne; but alas! it fell out quite otherwiſe: For King *Richard* being made Priſoner by his Couſin *Henry* of *Lancaſter*, a Parliament was Summoned by him in the King's Name, in the one and twentieth year of his Reign, to meet at *Weſtminſter*. An action certainly illegal in it ſelf; for if the Kings Summons were neceſſary, as it appears it was, I would gladly know how it can be pretended, in this Caſe, that this Parliament did convene by his Authority? for tho' the Writs were iſſued out in his Name; yet was he ſo far from conſenting to it, that if it had lay'n in his power he would have prevented it. But this Aſſembly or Parliament, call it what you will, being got together, I would fain be inform'd upon what Law or Authority (I mean Legal) they grounded their following Proceedings? for if the Breath of the Kings Noſtrils was neceſſary to give them their Being, it is a little irrational to ſuppoſe, they could thence derive a Lawful Power to deſtroy the Author of their Life: beſides, how can it be ſuppoſed they could proceed juſtly to paſs a Final Sentence upon Him whoſe concurrance was abſolutely required to give birth to any Law which might concern his meaneſt Subjects, tho' they thought it ne're ſo convenient? and why ſhould we believe it in the Power of the Eſtates of the Realm to impoſe any thing upon the King, when he could bind them to obſerve nothing without their conſent firſt obtained? and yet our Pamphleteer is not aſhamed to avouch this as a Preſident of Parliamentary Power, in the Point of *Succeſſion*. But if we do but examine the matter a little more narrowly, we ſhall find it makes very little for his purpoſe, unleſs it be his Deſign (and a man muſt have a great deal of Charity to believe it is not) to inſtruct the people how to proceed in caſe their King will not do as they would have him; for we ſhall find, that tho' they uſurped the exorbitant Power of Depoſing *Richard*; yet did they not pretend to the power of Electing who they pleas'd, but thought themſelves in duty bound to ſubmit to him to whom by Right of Blood the

† P. Virg. lib. 19. & 20.

Blood the Crown did belong. And this evidently appears from *Henry*, Duke of *Lancaster*'s manner of laying Claim to the Crown; for no sooner was the Throne void by the pretended voluntary Resignation of King *Richard*, but *Henry*, first having fortified himself with the sign of the Cross, stood up and made his demand of the Crown in his Mother-Tongue in this form of Words (as I have extracted them out of the * Parliament Roll:) * Rot. Parl. 1 H. 4. memb. 20.

In the Name of the Fader, Sonne and Holy Gost, I Henry of Lancastre challenge this Rewme of Ynglonde, and the Corone, with all the Membres and the Appurtenances, als I that am descendit by ryght line of the blode comyng fro the gude Lord, King Henry therde, (By this you may see what it was he laid the stress of his Claim on.) **and thorghe that Right that God of his Grace hath sent me,** (He it seems acknowledges God, and not the people for the Author of his Right.) **with the help of my Kyn and of my Friendes to recover it; the which Rewme was in point to be ondone for defaut of Governance and undoyng of the gude Lawes.**

After which Chalenge and Claim (says the Record) *as well the Lords Spiritual as Temporal, all and all the States there present, being severally and all interrogated what they thought of the aforesaid Challenge and Claim: The above-named States, with all the Commonalty, without any difficulty or delay, unanimously agreed, that the aforesaid Duke should reign over them.* And this being the Naked Truth of the matter, I cannot imagine with what propriety of Speech this can be called an Election; or what reason this Gentleman had for to say, that the above-mentioned Title was the least of all insisted on; when it appears from the Roll (as I have faithfully translated it) that no other was so much as mentioned.

And thus we have heard how the poor and unfortunate Prince, *Richard* the Second (from whose Actions, if they be but examined with an impartial Eye, we cannot conclude him to have been either very insufficient or evil; if we soberly weigh the Imputations that were objected against him, we shall find nothing of any truth, or at least any moment) was, in a tempestuous Rage, deprived of his Right; and upon what Grounds *Henry* 4. mounted his Throne.

But how justly, even in the Opinion of some at that time, you will best be inform'd from *Thomas Merks*, Bishop of *Carlisle*, a wise and Learned man, and of no less Courage; who, when it was moved in Parliament what should be done with King *Richard*? He boldly stood up, and spoke to this Effect (as it is set down by * Sir *Richard Baker*; and since it is so much to the purpose, I hope the reader will not be displeased with the length of it.) * Bak. Chron. f. 158.

" *My Lords*, The matter now propounded is of marvellous Weight and Consequence, wherein there are two points chiefly to be considered. The First, " Whether King *Richard* be sufficiently put out of his Throne? The Second, whether the Duke of *Lancaster* be lawfully taken in? For the First, How can that be " sufficiently done, when there is no Power sufficient to do it? The Parliament " cannot; for of the Parliament, the King is the Head; and can the Body put " down the Head? You will say, the Head may bow it self down; and may the " King resign? It is true, but what force is in that which is done by Force? " And who knows not that King *Richard*'s Resignation was no other? But suppose he be sufficiently out, yet how comes the Duke of *Lancaster* to be lawfully in? If you say by Conquest, you speak Treason: For what Conquest without Arms? And can a Subject take up Arms and not be Treason? If you say, " by Election, of the State, you speak not Reason: For what Power hath the

" State to elect, while any that is living hath Right to ſucceed? But ſuch a Suc-
" ceſſor is not the Duke of *Lancaſter*, as deſcended from * *Edmund Crouchback*, the
" Elder Son of King *Henry* the Third, tho' put by the Crown for Deformity of
" his Body: For who knows not the Falſeneſs of this Allegation? Seeing it is
" a thing notorious, that this *Edmund* was neither the Elder Brother, nor yet
" Crook-back'd; but of a goodly Perſonage, and without any Deformity. And
" your ſelves cannot forget a thing ſo lately done, who it was, that in the Fourth
" year of King *Richard*, was declared by Parliament to be Heir to the Crown, in
" caſe King *Richard* ſhould die without Iſſue. But, why then is not that Claim made?
" becauſe *Silent Leges inter Arma*, what, diſputing of Titles againſt the ſtream of
" Power? But however it is extreme injuſtice, that King *Richard* ſhould be con-
" demned without being heard, or once allowed to make his Defence. And now
" my Lords, I have ſpoken thus at this time, that you may conſider of it before it
" be too late, for as yet it is in your Power, to undo that juſtly, which you have
" unjuſtly done.

* So call'd from a Croſs he uſed to wear upon his Back.

Thus ſpoke that Loyal and Good Prelate, but to little purpoſe, though there was neither Proteſtation nor Exception made againſt this Speech, which certainly there would have been, had there not been as much Truth as Boldneſs in what he ſaid.

And tho' *Henry* the Fourth did afterwards get the Inheritance of the Crown and Realm of *England* ſetled upon himſelf for Life, and the Remainder entailed upon his four Sons by Name, and the Iſſue of their Bodies, yet that cannot at all make for my Adverſaries purpoſe, ſince it amounted to no more than a Confirmation of him in the Throne; or if it did, we may well ſuppoſe that a Prince that was conſcious to himſelf how unjuſtly he had gain'd his Crown, would not be very unwilling to take ſuch a way, tho' in derogation to his Prerogative, to ſecure himſelf, if poſſible, tho' not out of an Opinion that they could give him a better Right than they had; but becauſe 'tis natural to ſuppoſe they would, upon any occaſion, be ready to defend what they ſo ſolemnly had enacted

Come we next to *Henry* the Fifth, who, this Gentleman ſays, was Elected: But how notoriouſly falſe that Aſſertion of his is, will appear from hence, that firſt there was no Parliament called till after his Coronation; and in the next place, that if the Act of Parliament, made in the Seventh Year of *Henry* the Fourth, had ſo great a Force and Vertue as he ſays it had, it was needleſs; nor can he prove any ſuch thing from that careleſs, and negligent Hiſtorian *Polydore*: For *Concilium Principum*, with him, does not always ſignifie a Parliament; as any one that has read him, which I dare ſay he never did, will perceive; nor does his Phraſe, *creare Regem*, import any more than the King's Coronation; beſides, 'tis moſt untrue which he affirms, that Allegiance was never ſworn before his Time, till after a King was Crowned: For the contrary appears from King *John* and *Edward* the Firſt: Nay, 'tis undeniably true, that the Kings of *England* have exerciſed all manner of Royal Juriſdiction, precedent to all Ceremony, or any Formality whatſoever; and that the Death of one King, has, in that very Moment, given *Livery* and *Seiſin* of the Royalty to the next Heir; and by vertue of that, *Richard* the Firſt, as a mark of his Sovereignty, immediately on his Father's Death, reſtor'd the Earl of *Leiceſter* to his whole Eſtate.

Henry the Fifth being dead, he was without any Oppoſition, admitted to the Throne, although but an Infant; but in the Thirty Ninth Year of this King, in open Parliament, *Richard*, Duke of *York*, the true and rightful Heir to the Crown of *England* and *France*, made his Challenge and Demand of it, as being next Heir to *Lionell*, Duke of *Clarence*, Elder Brother to *John* of *Gaunt*, from whom

whom deſcended the Houſe of *Lancaſter*; but to this Claim of his, it was anſwered, by the King's Friends, That the ſame Crowns, were, by Act of Parliament, Entailed upon *Henry* the Fourth, and the Heirs of his Body, from whom King *Henry* the Sixth did lineally deſcend. * *The which Act* (ſay they, as it is in the Record) *is of Authority to defeat any manner of Title made to any Perſon.* To which the Duke of *York* anſwerably replies, *That if King* Henry *the Fourth might have obtained and enjoyed the ſaid Crowns of* England *and* France *by title of Inheritance, Deſcent or Succeſſion, he neither needed, nor would have deſired, or made them to be granted to him in ſuch wiſe as they be by the ſaid Act; the which taketh no place, nor is of any Force or Effect;* (mind that) *againſt him that is Right Inheritor of the ſaid Crowns, as it accordeth with God's Laws and all Natural Laws:* And this Claim and Anſwer of the Duke of *York*, is expreſly acknowledged and recognized by this Parliament, to be *Good*, *True*, *Juſt*, *Lawful* and *Sufficient*; and 'tis agreed that *Henry* ſhall hold the Crown during his Life; and the Duke of *York*, in the mean time, to be reputed and proclaimed Heir Apparent. * Rot. Parl. 39 H. 6. n. 10. &c.

So that we have here (as much as can be deſired) a Parliament, not only declaring that a Title to the Crown, ought to derive it ſelf only from the Laws of God and Nature; and not from any Civil Sanction; and acknowledging in at the Bargain, that it is beyond the Reach of any Humane, Legiſlative Power, to debar and exclude any one that juſtly claims by ſuch a Right.

But to proceed upon *Edward* the Fourth's coming to the Crown, a Parliament conven'd in the firſt year of his Reign, does acknowledge and recognize his Title in theſe words (as the * Record has it) *Knowing alſo certainly without doubt and ambiguity, that by Gods Law and Law of Nature, He* (h. e. *Edward* the Fourth) *and none other is and ought to be true, right-wiſe, and natural Liege and Sovereign Lord. And that he was in Right from the Death of the ſaid Noble and Famous Prince his Father, very juſt King of the ſame Realm of England.* So here again we have another Parliament of the ſame mind with the laſt, and I doubt not but we ſhall meet with more of 'em e're we have done. * Rot. Parl. 1 Ed. 4. n. 8. &c.

When King *Edward* the Fourth was droven out of his Kingdom by *Henry* the Sixth, 'tis true the Crown was again entail'd (if it may be properly ſo call'd) upon him and his Heirs, &c. but ſtill the proceeding was grounded upon the ſame Bottom with the former.

Here our Pamphleteer is pleaſed to make this drowſie Obſervation, that both the Families of *York* and *Lancaſter* claim'd a Title by Act of Parliament: 'tis true the latter did, becauſe they had no other that would carry Water, but as falſe that the former ever did; for they, as you have ſeen before, founded their pretences upon the ſound Bottom of Divine and Natural Law. Beſides *Richard*, Duke of *York* challenged the Crown as his juſt Right before any Act paſs'd in his favour; nor was it the want of a Parliamentary Title which he ſtood in need of that kept him off, but becauſe he had not Power and Intereſt enough to aſſert the juſtneſs of his Title: and therefore 'tis no wonder he deferr'd the making of his Claim ſo long; for to have done it ſooner, would but have riveted the Uſurper more firmly in his Throne.

But *Edward* having regain'd his Kingdom as quickly as he loſt it, left it at his death to his unfortunate Son *Edward* the Fifth, who was ſoon deprived both of that and his Life, by his barbarous, inhumane, and ambitious Uncle *Richard*, Duke of *Glouceſter*, who having perſuaded ſome, and forced others to believe, or at leaſt ſeem to believe, that all his Brother *Edward*'s Children were Baſtards, did, by a kind of pretended Election, and at the inſtance of all the Great Men, take (or rather

rather uſurp) the Crown. But that the myſtery of that ſubtle Tranſaction may be fully diſcovered, I ſhall tranſcribe that Petition and Election, as they call it, out of the Parliament Roll, as much as is neceſſary, and epitomize the reſt, and then I will leave the Reader to judge how diſ-ingenuouſly (not to call it worſe) tho' according to his Cuſtom, this Gentleman would inſinuate, as if *in the midſt of their higheſt flatteries and courtſhip to him, they tell him only of this great and ſure Title by Act of Parliament.* An untruth, if he had had the leaſt grain of Modeſty, he could not have had the confidence to aſſert; but by this time, I ſuppoſe, you know what a man I have to deal with.

But I hope the Roll will convince him, and make him aſham'd of his diſ-ingenuity. "* In this Petition and Election (but that Election imports not what "he would have it, I hope, will evidently appear from the ſequel) they ſet forth "the many Grievances and Oppreſſions the Kingdom groan'd under, through the "diſſolute Government of the late King, *Edward* the Fourth: they ſay farther, "That the King was never married to his pretended and reputed Queen, or if he "was, that upon the account of a Precontract to another Lady, that Marriage was "unlawful, and, *ipſo facto*, void: and ſo either way all his Children were illegi-"timate. They ſay farther, That *George*, the late Duke of *Clarence* being attainted "of High Treaſon, and his Blood corrupted, by reaſon thereof his iſſue are de-"barred of all Right and Claim to the Crown: (But the reaſonableneſs and law-"fulneſs of this Poſition I ſhall take the Liberty to examine hereafter.) *Over this* (I give you the Words of the Record in Engliſh.) *We conſider that you be the undoubted Son and Heir of* Richard *late Duke of* York, *very Inheritor of the ſaid Crown and Dignity Royal, and, as in Right, King of* England *by way of Inheritance*; (how then can the Parliament challenge a power of Election in the modern ſenſe of the words?) *and that at this time the premiſes duly conſidered, there is none other perſon living, but You only, that, by Right, may Claim the ſaid Crown and Dignity Royal by way of Inheritance* --- "And then they go on in a moſt abject way of Flattery to "recount his excellent Parts, and extraordinary Qualifications for the Govern-"ment--- *Wherefore* (ſay they) *theſe premiſes by us diligently conſidered, we deſiring effectually the Peace, Tranquillity, and Weal-publick of this Land, and the reduction of the ſame to the ancient honourable Eſtate and Proſperity; and having in your great Prudence, Juſtice, Princely Courage and excellent Vertue, ſingular Confidence, have choſen in all that in us is, and by this our Writing chooſe you High and Mighty Prince our King and Sovereign Lord--- to whom we know of certain it appertaineth to be choſen.* (From whence it appears, that what they call Election, amounts to no more than a Ceremony or formality of acknowledging their Prince,) "Therefore they deſire "him as his *true Inheritance* (which 'tis impoſſible in an Elective Kingdom the "Royalty can be) to accept of the ſaid Crown and Dignity, according to this "Election of the *Three Eſtates*. (Surely then the King was none.) They add ſoon after: *Albeit that the Right, Title, and Eſtate which our Sovereign Lord the King,* Richard *the Third, hath to and in the Crown and Royal Dignity of this Realm of* England---- *be juſt and lawful, as grounded upon the Laws of God and of Nature,* (mind that)*: and alſo upon the ancient Laws and laudable Cuſtomes* (and therefore not upon any Statute, but Common-Law) *of this ſaid Realm: and ſo taken and reputed by all ſuch perſons, as be Learned in the aboveſaid Laws and Cuſtomes: yet nevertheleſs,* (Here once for all take notice of the true Reaſon of the Parliaments medling with the Succeſſion.) *for as much as it is conſidered, that the moſt part of the people is not ſufficiently Learned in the aboveſaid Laws and Cuſtomes, whereby the Truth and Right in this behalf of likelyhood may be hid, and not clearly known to all the people, and thereupon put in doubt and queſtion. And over this, how that the Court of Parliament is of ſuch Authority, and the people of this Land of ſuch a Nature and Diſpoſition, as experience teacheth, that Manifeſtation and Declaration of any Truth or Right made by the Three Eſtates of this Realm Aſſembled in Parliament--- maketh before*

* Rot. Parl. tent. apud *Weſtm* die Ven. 23 die Jan. 1 R. 3.

fore all other things moſt Faith and Certainty, and quieting of Mens Minds, removeth the occaſion of all Doubts and Seditious Language: And therefore at the Requeſt, and by the Aſſent of the three Eſtates of this Realm, (the King cannot be one) *that is to ſay, the Lords Spiritual* ('tis they are one of the Eſtates) *and Temporal, and Commons of this Land Aſſembled in this preſent Parliament, and by Authority of the ſame, be it pronounced, decreed and declared, That our ſaid Sovereign Lord the King, was and is the very undoubted King of this Realm of* England, *&c.---- as well by right of Conſanguinity and Inheritance, as by Lawful Election, Conſecration and Coronation.* And ſince the two latter, as all the World knows, do give no new right, but are only Ceremonies, and bare Formalities of State; I can ſee no reaſon why what they call Election (which certainly muſt not be ſtrain'd to Propriety) ſhould be reputed any other: becauſe, it not only is joyned with the reſt, without any Diſtinction; but likewiſe, Election in the uſual Sence, is incompatible with an Hereditary Monarchy, ſuch as this is over and over proved to be.

To all which, the King aſſented in theſe words, *Et idem Dominus Rex de aſſenſu dictorum trium Statuum Regni, & Authoritate prædicta, omnia & ſingula Præmiſſa in Billa prædicta contenta concedit, ac ea pro vero & indubio pronunciat, decernit & declarat.*

So here we have as much as can be deſired; a Parliament that had aſſumed a very extravagant Power; yet declaring that the Kings of *England* do derive their Titles from God and Nature only; and that this was conſonant to the known Cuſtom, and Ancient Practice of the Realm.

But the innocent Blood of this barbarous and cruel Tyrant's Nephews, whom he had caus'd inhumanely to be murder'd, crying to Heaven for Vengeance, God raiſed up one to deprive him at once both of his Crown and Life. I mean *Henry*, Duke of *Richmond*, of whom the judicious * *Comines* ſays, *Qu' il n' avoit Croix, ne Pile, ne nul Droit, (come Ico croy) al a Corone d' Angleterre.* Come we now to the Conſideration of the Methods he uſed to eſtabliſh himſelf in his new-gotten Kingdom after the Death of †*Richard*; and we ſhall learn that from the beſt of our Hiſtorians, in his Life, of that wiſe Prince, who tell us, that the King, after his Victory at *Boſworth* Field, being come to *London*, was very much diſtracted in his Choice of a Title to the Crown, as whether he ſhould claim it by Right of Conqueſt? but that he judged a very dangerous and unſatisfactory way, or in Right of the Lady *Elizabeth*, Heireſs to the Houſe of *York*, whom he had promiſed and intended to marry? But as to this, he conſidered, that he ſhould be a King only by Courteſie, and *Tho' he ſhould obtain by Parliament* (ſays my Lord *Bacon*) *to be continued* (for otherwiſe, he muſt upon his Queen's Death have reſign'd) *yet he knew there was a very great difference between a King that holdeth his Crown by a Civil Act of the Eſtates, and one* (mind that) *that holdeth it Originally, by the Law of Nature, and Deſcent of Blood:* So far he. Therefore upon thoſe Conſiderations, he reſolv'd to reſt upon the Title and Right of the Houſe of *Lancaſter*, as the Main, as that which would prove his ſureſt Card: For tho' he could not be ignorant, that upon ſeveral Accounts, that Title could not ſtand the Teſt of a ſevere and legal Tryal; yet he knew very well, that it was not only very fooliſh to diſpute ſuch things with a man that had thirty Legions at his Beck; but that there could be no occaſion for it, during the Life of his Queen, who was true Heir to the Kingdom; and after her Death, he might hope the Sence of Filial Duty, would deter her Children from any Attempt, to diſturb him; yet however his opportune Death was look'd upon, by many, as his greateſt Happineſs, whereby he was withdrawn from any future Blow of Fortune, *which certainly, (in regard of the great hatred of his People, and the Title of his Son, being then come to Eighteen years of Age; and being a bold Prince and liberal,*

* 7 Book in fine.

† Bacon's Hiſt. of H. 7. f. 4. Edit. London. 1622.

liberal, and that gain'd upon the People by his very Aſpect and Preſence) had not been impoſſible to have come upon him; as the Judicious *Bacon* * words it.

With this Reſolution he was Crown'd; and having call'd a Parliament (you ſee he did think an Act of theirs neceſſary to make him King, tho' he thought it convenient to confirm him) where an Act was paſs'd for ſettling the Crown upon him † *which he did not preſs to have pen'd by way of Declaration, or Recognition of Right; as on the other ſide, he avoid to have it by new Law or Ordinance; but choſe rather a kind of middle way, by way of Eſtabliſhment; and that under covert and indifferent words*, That the Inheritance of the Crown, ſhould reſt, remain and abide in the King, *&c. which words might equally be applied, that the Crown ſhould continue to him; but whether, as having former Right to it (which was doubtful) or having then in Fact or Poſſeſſion (which no man denied) was left fair to Interpretation either way.* And this Statute he procured to be confirm'd by the Pope's Bull, the year following; which is a plain Proof, he relied not ſo much upon the Power of a Parliament, as this Gentleman would perſuade us; nor can there be drawn from this proceeding of King *Henry*'s, any thing that makes more for the Authority of a Parliament in theſe matters, than for the Popes, which I am ſure no Sober man, but muſt allow to be none at all.

* Hiſt. of H. 7. f. 231.

† Hiſt. of H. 7. f. 11.

Beſides, this Prudent King was ſo conſcious of the Weakneſs of his own Title, notwithſtanding this Act of Parliament, that in the Troubles that happen'd very often in his Reign, to prevent the Peoples prying and enquiry into the Juſtneſs of it, he got an an Act to paſs || in the Eleventh year of his Reign, that no man that aſſiſted him in Wars, ſhould afterwards be deem'd or taken for a Traytor; nor ſhould be impeach'd therefore, or attainted, either by the Courſe of the Law, or by Act of Parliament; and truly it was agreable to good Conſcience, that whatſoever the Fortune of the War were, the Subject ſhould not ſuffer for his Obedience.

|| Lord *Bacon*'s Hiſtory of H. 7. f. 144.

His Argument drawn from the Oath of Allegiance, and other Publick Teſt and Securities, after what I have ſaid already, will appear ſo ill conſidered a pretence, that I ſhould but loſe time in ſtanding to confute it.

I ſhall then proceed to *Henry* the 8th. his Son and Succeſſor, and ſee if any thing can be gathered from thence, that may make for our Pamphleteer's purpoſe.

And I doubt not, but it will appear, that whatever was done in that Great Prince's Reign, was rather the Effect of his extravagant Capricious Luſt, or Revenge, than founded upon the true Maxims of Juſtice, Equity, or Lawful Authority.

For Sir *W. R.* in his Preface to the Hiſtory of the World, can tell us, that his violent Hatred to the Elder Houſe of *Scotland*, was the cauſe of moſt of thoſe Acts; uſing, ſays he, his ſharpeſt Weapons, to cut off, and hew down thoſe Branches which ſprang from the ſame Root that himſelf did: but yet that Blood which the ſame King affirm'd, that the Cold Air of *Scotland* had frozen up in the *North*, God hath diffus'd, by the Sun-ſhine of his Grace; from whence His Majeſty now living, and whom God grant long to live, is deſcended.

And as for the reſt, they were conſented to; or rather, to ſpeak Truth, forced from the Parliament by the King (for he uſed to make them do what he had a mind to) to ſatisfie ſome wild Humor of his, though to the prejudice of his Prerogative.

For the legality and unlawfulneſs of his ſecond Marriage, depending upon the validity or weakneſs of the Popes Diſpenſation, which by the generality of the World was then thought unexceptionable, it is no wonder if *Henry* the Eighth, contrary to the natural greatneſs of his Soul, call'd to his Aſſiſtance his Parliament (with which his *ipſe dixi* was a Law) to cut that *Gordian* Knot aſunder, which he was not able to unty.

But it is time now to examine the palpable contradictions of thoſe ſeveral mad and extravagant Acts that he made, and firſt in the * 25*th* year of his Reign, after he

* Stat. 25. H. 8. c. 22.

was

was Divorced from Queen *Katherine*, and had married Queen *Anne*: The Parliament having in the Preamble to the following Act, declared what great miseries, and how many troubles had befallen this Realm, by reason of the ambiguity of the several Titles to the Crown, do think themselves bound in duty, by a Declaration of the true Heir, to avoid the causes of such Distractions for the future, "It is "therefore Enacted and Ordained, That the Kings Marriage with the late Queen "*Katherine* is void, as directly contrary to the Laws of God, and therefore not "dispensable with by the Pope, or any Humane Power whatsoever. They therefore bastardize *Mary*, and declare the Marriage between his Majesty and Queen *Anne* to be just and lawful; and that the Children of their two Bodies begotten shall be and are legitimate, and then, in default of Issue Male, entail the Crown upon the Lady *Elizabeth*, &c. and every one by the Sanctimony of an Oath, is bound to the observation and performance of this. And the next Parliament does Enact a particular Oath for that purpose, whereby every one is bound *to bear Faith, Truth and Obedience only to the King's Majesty, and to his Heirs of his Body of his most Dear and entirely beloved lawful Wife Queen* Anne, *begotten or to be begotten.*

But mark what follows; a few years after 'tis Enacted. That the people shall forswear themselves, the late Marriage is declared unlawful, null and void; the Lady *Elizabeth* is Bastardized (as the Lady *Mary* was in the former Parliament) and the King's Marriage with Queen *Jane* is acknowledged consonant to the Law of God; the Crown entailed upon their Issue, and for failure of them, the King is impowred to dispose of the Crown to whom he please by his Letters Patents, or his last Will: and the whole Nation was obliged by the Sanctimony of an Oath to the observation of this Law. St. 28 H. 8. c. 7.

So that you have at once not only Swearing backward and forward, but the Crown made Elective (if Act of Parliament can make it so) which had always hitherto been Hereditary, which so many unbiassed Parliaments had declared was due to the next Heir by Inherent Birth-right, and by the Laws of God and Nature; a Title sure unimpeachable by any Civil Power, and all this in open defiance of all Equity, Justice, and Common Reason, on purpose to dis-inherit the House of *Scotland* (which as much as Humane Power could do, it was by this Act done) and to advance his Bastard Son *Henry Fitz-Roy*, whom he most entirely loved, to the Throne.

But not yet content to put a period to his extravagancy, in the 35*th* year of his Reign, he caus'd it to be Enacted, That after his Death, and the Death of Prince *Edward*, without Issue, the Crown should be to the Lady *Mary*, and the Heirs of her Body; but subject to such Conditions as the King should limit by his Letters Patents, or by his last Will: and if the Lady *Mary* performed not those Conditions, that then the Crown should go to the Lady *Elizabeth*; and if the Lady *Elizabeth* neglected to perform such Conditions, then it should go to such other person as the King should appoint. And he was again impowred by his Letters Patents, or last Will, to grant the Remainder or Reversion of the Crown to what person he should appoint: and the whole Nation is again bound to the observation thereof By an Oath.

But surely no man will argue from these contradictory and wild Acts, that the King and Parliament have any power to limit and alter the *Succession*, since, if we believe those Parliaments I have before mentioned, 39 *H.* 6. 1 *E.* 4. 1 *R.* 3. we shall find that to be removed beyond the reach of any mortal Arm, and reserved to the only disposal of Him *by whom Kings Reign and Princes Decree Justice*: And certainly we have as much reason to believe them as can be rationally expected, since 'tis very natural for those that assume so much power to themselves as they did, to screw it up, when their hands are in, to the highest pin; for 'tis not likely that they, if they could have found the least shadow of Evidence to the contrary, would, out of a Complement to God Almighty, have thrown back that Power into his hands, which he had once pleased to bestow upon, and invest in them.

Nor

Nor need we at all wonder to find a Prince of King *Henry's* Spirit and Native greatneſs of mind, fall ſo beneath his uſual Majeſty in ſuch things, ſince perhaps no Prince can be met withall, in whom there concenter'd a greater number of odd and anomalous Circumſtances, which did incline him to crave in Aid of his Parliament; for he being one that would ſacrifice every thing to his Humour, Luſt, or Revenge, he was forced to take this courſe, to remove all the Letts that ſtood in his way, as far as Humane Power could carry them.

Therefore I am perſuaded theſe Acts of Parliament ought no more to be urged as Precedents for us to guide our ſelves by, than his Arbitrary and Illegal Methods of bringing thoſe that had the misfortune to fall into his hatred, to the Block, without being once heard, or ſuffer'd to make their defence. And as theſe are not permitted to be drawn into practice, tho' done by the Legiſlative Power as well as the other, becauſe of their manifeſt injuſtice and illegality, I cannot for my Life ſee why the other ſhould, 'tis a Riddle beyond my skill to unfold.

I ſhall paſs by ſome of this Gentleman's *Paragraphs*, as not worh inſiſting upon; and come to his Proofs drawn from Queen *Elizabeth's* Reign; and indeed 'tis in an Act made the *13th* of that Princeſs, that the whole Party place their main ſtrength: but I hope I ſhall be able to make it appear, if every Circumſtance be duly conſidered, that induced that Glorious Queen to do ſome things that tended highly to the manifeſt derogation of her Prerogative, which at other times ſhe was ſo tender of, that nothing can be gather'd from thence, which will really do any ſervice to my Adverſaries Opinion. For, if as all *Caſuiſts* hold, thoſe Oaths and Promiſes which are extorted by fear or force, are not Obligatory; I cannot tell why thoſe things which by meer neceſſity upon thoſe very accounts ſhe was compell'd to, as well for the preſervation of her Body Natural as Politick, ſhould be denied the priviledge of being diſſolved upon that very ſcore, that other things of the ſame Nature are.

And that they were no other things than what I have before mentioned, that cauſed this Great Queen to fall beneath her ſelf, and court her people for her eſtabliſhment, will clearly appear to any one that conſiders the ſtate of Affairs, and the Hiſtory of thoſe Times, the only true Touchſtone to try matters of this Nature by. For, if we conſider how queſtionable Her Birthright was then generally eſteemed, we cannot at all admire, if for her own Intereſt and Security ſhe attributed much more to an Act of Parliament, than otherwiſe ſhe would have done. For tho' in the Act of Recognition 'tis ſaid that her Majeſty is, *and in very deed, and of moſt meer Right ought to be by the Laws of God*, Queen of this Realm, yet the dubiouſneſs of her Legitimacy, and her being ſolemny Baſtardiz'd by her own Father by Act of Parliament, might very well neceſſitate her to call in the Aid and Aſſiſtance of her people for her defence and eſtabliſhment; ſince the greateſt part of *Europe*, did not only look upon the Title of *Mary* Queen of *Scotland* to be much the clearer and juſter than Hers: and therefore ſince Queen *Elizabeth's* Title depended ſo very much upon Statute Law, the moſt part of the World allowing her no other, and a great many too diſputing the validity of that, ſhe was neceſſitated to make that as ſtrong as poſſibly ſhe could; and therefore made it Treaſon for any one during her Life to affirm, That *Our Sovereign Lady the Queen's Majeſty that now is, with and by the Authority of the Parliament of* England *is not able to make Laws and Statutes of ſufficient Force and Validity to limit and bind the Crown of this Realm, and the Deſcent, Limitation, Inheritance and Government thereof*----- which tho' as we ſhall afterwards endeavour to prove, was not in their power to do; yet ſhe knew very well, that her people would be very apt to defend what they had then ſo ſolemnly Enacted, and ſo thereby ſhe ſhould gain her end, *viz.* her Preſervation, which was the great thing ſhe aimed at, as appears by this, that the puniſhment to be inflicted upon them that broke this Law, was to abate very much of its rigor after her death; for then it was but to be forfeiture of goods: a certain Argument that it was only Temporary, Enacted *pro re nata*: for if the Reaſon of

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it did continue the ſame; ſo ought ſurely the Puniſhment, ſince they ſhould alvvays ſtand and fall vvith one another; tho' no doubt another, tho' leſs conſiderable, reaſon might be the Malaverſions ſhe inherited from her Father, to the Houſe of *Scotland*, vvhich thereby ſhe did certainly endeavor for ever to deprive of the Imperial Crown of *England*. As evidently appears from this Clauſe in it, *viz. That every perſon or perſons of what Degree and Nation ſoever they be, ſhall, during the Queens Life, declare or publiſh that they have any Right to enjoy the Crown of* England, *during the Queen's Life, ſhall be diſ-inabled to enjoy the Crown in Succeſſion, Inheritance, or otherwiſe after the Queen's Death.* For this was moſt apparently contriv'd againſt *Mary*, Queen of *Scots*, and her Son K. *James* For ſince almoſt all *Europe* ſpoke openly of the greater Right that *Mary* had to the Crown than *Elizabeth*, it might very probably be expected, that not only as ſhe thought ſo, ſo ſhe might upon an occaſion offer'd not only ſpeak but act up to her Perſuaſion; and then by this Statute ſhe was as much diſabled as Statute could do it. But, beſides all this, I am inclin'd to believe there was ſomething more in the bottom of it than this, of the contrivance of that ſubtle and cunning Stateſman, the Earl of *Leiceſter*, which I gather from this Clauſe, *That whoever ſhall affirm during the Queens Life, either in Writing or in Print, that any one is or ought to be the Queens Heir or Succeſſor beſides the* NATURAL ISSUE OF HER BODY BEGOTTEN, &c. SHALL, &c. For in Law none are call'd the Natural Iſſue of any one but thoſe that are Illegitimate, *Adeo ut* (ſayes *Camden*) *tunc juvenis audiveram dicit antes verbum illud à Leiceſtrio in Legem ingeſtum eo conſilio, ut aliquem ipſius filium ſpurium pro reginæ Sobole naturali Anglis tandem aliquando obtruderet.* Inſomuch that when I was a young man (ſayes he) I have often heard it ſaid, that *Leiceſter* cauſed that expreſſion to be foiſted in, that thereby he might have a pretence to impoſe, one time or other, upon the *Engliſh* one of his own Baſtards for the Queens *Natural Iſſue*. A Deſign truly not unlikely for him to have, who always meaſured the Publick by his proper Intereſt, and ſacrificed every thing elſe to his own ends: and then certainly it will never be denied but ſuch an Act of Parliament was neceſſary to give colour of breaking ſo ancient and fundamental a Law of the Land, as the advancing a Baſtard muſt needs be. Vit: Eliz.

How contrary to all the Obligations of Juſtice and Humanity the unfortunate Queen of *Scots* was treated by her Kinſwoman Queen *Elizabeth*, upon the pretended breach of a Statute made in the 27*th* of her Reign, I ſhall not trouble my Reader or my Self with the recital of; which rigorous proceeding, as it was chiefly grounded upon her violent hatred to the Houſe of *Scotland*, ſo I could heartily wiſh for the Honour of that Great and Glorious Queen, under whoſe Reign this Iſland ſo long and happily flouriſhed, were razed out the Annals of Time, ſo that there might be nothing left to ſtain the Reputation of that otherwiſe unblemiſhable Princeſs.

But tho' the Mother had the misfortune to fall ſo ignominiouſly, yet the Son King *James* had not the wiſdom to ſtrive fruitleſly againſt the Stream, but prudently never gave an opportunity of finding a colour to reſiſt him, who never laid Claim to a Crown, till Heaven call'd him to the Enjoyment of it.

But no ſooner was he come into *England*, but having call'd a Parliament, his Title to the Crown is ſolemnly acknowledged and recognized in theſe words: *We being bound thereunto, both by the Laws of God and man, do with unſpeakable Joy, recognize and acknowledge, That immediately upon the deceaſe of* Elizabeth *late Queen of* England, *the Imperial Crown of the Realm of* England, *&c. did, by inherent Birthright, lawful and undoubted Succeſſion deſcend and come to your Majeſty, as being lineally, juſtly and lawfully next and ſole Heir of the Blood Royal of this Realm---- And thereunto we moſt humbly and faithfully do ſubmit, and oblige our ſelves, our Heirs and* 1 Jac. c. 1.

Poſterities for ever. And now if King *James* came to the Crown by inherent Birth-right and undoubted Succeſſion, I cannot ſee any thing that makes more againſt this Gentleman than this; for 'tis plain the old Entail made by *Henry* the Seventh cannot be pretended, becauſe that Act was, tho' not expreſly, yet tacitly & effectually repeal'd by 28. H. 8. c. 7. & 35 H. 8. c. 1. for King *Henry* could not have a power to appoint who he vvould for his Succeſſor, if that Act of *Henry* the Seventh remain'd in force: For then he could not have diſinherited the Houſe of *Scotland*, and prefer'd the Younger Houſe of *Suffolk* to the Remainder of the Crown; which, 'tis notoriouſly known, if he did not, yet he intended, and was ſufficiently (as far as Acts of Parliaments could reach) impowered to do it; and therefore, the other muſt neceſſarily have been revoked and repealed: A thing ſo clear, that it were needleſs to ſpend more time or words to prove it.

So that King *James*'s Title to the Crown (or elſe he had none) muſt owe its Original to the *Laws of God and Nature*, and the Ancient and Laudable Cuſtomes of this Realm, (* as 'tis elſewhere worded) and then, what madneſs is it to think, that any Humane Power upon Earth, can change thoſe immutable Laws (for ſuch they are) and with what color of Juſtice, or good Conſcience they can pretend to debar any one of his Right; or give a better Title to another, than the late Uſurper had to the Sovereignty, is beyond the Wit of Man to demonſtrate, unleſs we impiouſly deny there is a God in Heaven, or any ſuch thing as Right or Wrong upon Earth?

* Rot. Parl. 1 R. 3. ut ſup.

And thus I have gone through all the Hiſtorical part of this Gentleman's Diſcourſe, as far as it concerns *England*; and I doubt not but every one muſt make this Concluſion upon the vvhole Matter, that tho' he tells us he hath done it faithfully; yet it vvill appear, by the foregoing Examination, vvherein I have rather endeavored to lay dovvn the *Naked Truth*, vvithout the leaſt Diſguiſe, than follovv him through all his impertinent Ramblings, that never more unpardonable Miſtakes and Falſities, never more groſs Prevarications, and malicious Miſrepreſentations of the plain ſence and Meaning of good Authors, vvere amaſſed together, under ſo ſolemn and pompous a pretence. For my ovvn part, I cannot but admire, vvith vvhat Confidence any man could offer to obtrude ſuch traſh upon the World, and vent ſuch notorious Untruths. Surely a Man muſt have bid a final Adieu to all Sincerity and Common Honeſty; tho' perhaps (for I vvill be as charitable as I can) his over much Credulity may have been his greateſt Misfortune: For though he vvould fain inſinuate, in ſeveral places, as if every man muſt needs be a Papiſt, that ſhould go about to unmask him; yet good man, he has been beholden, for the moſt part of his Diſcourſe, to one of the greateſt Villains of that Society; vvhich by their prodigiouſly vvicked, both Tenets and Practices, deſerve to be the horror and deteſtation of all Mankind. Nor has he had the Deſcernment, to diſtinguiſh betvveen vvhat vvas falſe, and vvhat vvas true; but has extracted it (at leaſt as to the Subſtance) juſt as he found it, from a *Conference concerning the Succeſſion*, written by *Parſons*; one of the moſt pernitious Books, that, perhaps, ever ſavv Light; and tho' he be ſo ungrateful, as not to own his great Benefactor, yet he bluſhes not to maintain and publiſh the ſame deſtructive Principles; a clear Evidence, that ſo many of thoſe, that would have us believe they abhor Popery, yet are content, not only to entertain, but hug and cheriſh their moſt deſtructive Opinions, diſguiſed under other Names.

But you are not to think this Gentleman leſs acquainted with the Hiſtory of other Nations than our own; and that he is not able to give you many Inſtances from thence, that the next of Blood, has been frequently excluded from the Succeſſion: But really, I cannot but pity his ill Judgment, in pitching upon one ſo little for his purpoſe; when his Author could have furniſh'd him with ſuch plenty of better Choice.

For

For ſince no man can deny, but that it both is, and ever was, a Fundamental Law of the *French* Monarchy to be Hereditary, I leave it to any man of Common Sence, to judge whether thoſe ſilly Reaſons, mention'd in the Letter to *Charles* of *Lorrain*, were a ſufficient ground to debar him of that Right which God and Nature had given, him; and *to whom* (ſays *De Serres*) *I ſay the Fundamental Law did adjudge the Crown, for want of Heirs Males, Lawful Sons of Kings.* But the *French* being diſpleaſed with *Charles*, upon ſome frivolous Accounts, *Hugh Capet* embraces ſo fair an opportunity, and foments their Diſcontents to that Degree, and ſo politickly plays his own Game, that having inſinuated himſelf into the Affections of moſt People, without very much difficulty, he firſt ſcrew'd himſelf into the Throne; and then, to conſolidate and eſtabliſh himſelf in his ill-acquired Greatneſs, by a pretty kind of Pageantry, he called the Eſtates to elect him into that Throne he already had the Poſſeſſion of; which being met, they did accordingly: And having thus forfeited their Allegiance and Duty to *Charles*, 'tis no wonder if they ſqueezed their Brains, to find out a plauſible, though never ſo ſhallow a Pretence, to avoid the Imputation of Diſloyalty. Not to take Notice, that moſt Writers ſtick not to call this *Hugh* an * Uſurper. Beſides, 'tis well known, that *Lewis* the Godly, never enjoyed the Crown with a quiet Conſcience, till it was proved, that he was deſcended from the Right Heirs of *Charles* of *Lorrain*. So mean an Opinion had that good Prince of the Power of the States, in altering the Courſe of Succeſſion.

* Sigeb. Gemblac. in Chron. ad An. 987.

And after all this, I think, it cannot reaſonably be pretended, by any one that any thing can be drawn from Hiſtory, which can at all countenance the Proceedings of thoſe men, who ſo induſtriouſly endeavor, to cry up the Juſtice and Advantage of the Bill of Excluſion, as the only Expedient, ſay they, that can ſecure us from Ruin, and prevent our Deſtruction; unleſs they will ſay, that becauſe ſuch things as fill'd the Age, they were done in with Shame and Horror; were done, that therefore they were juſtly done; and ſo may as juſtly be acted over again. An Opinion of ſuch diſmal Conſequence, that ſhould it once prevail in the World, all Mankind would be preſently turned into one great Den of Thieves and Robbers, that might plunder, ſpoil, murder and raviſh, with Impunity, and without Controul; and then we ſhould every day ſee *Hobs*'s Senceleſs Notion of a State of War, proved to us with a Witneſs: Nay, what Wickedneſs is there not, which at this rate we might not juſtifie from Scripture it ſelf? Which gave occaſion to Saint *Auguſtine*, excellently to ſay, *Hæc quæ in Scripturis ſanctis legimus, non ideo quia facta legimus, etiam facienda credamus: ne violemus præcepta, dum paſſim ſectamur Exempla.* The true State of the Queſtion, either is, or at leaſt ought to be, not what has been done; but what in Juſtice and Equity ought to be done in the Caſe of his R. H. which is not to be determined by Examples, but Law and Raeaſon. *Non Exemplis, ſed Legibus judicandum*, is the Golden Rule of the Great † *Juſtinian.*

† Lib. 13. C. de Sen.

In order therefore to the clearing of this great and ſo much agitated Point, I ſhall endeavour to prove;

Firſt, That not only all Government, but particularly *Monarchy* does owe its immediat Foundation and Conſtitution to God Almighty.

Secondly, That by the Law of God, Nature and Nations the Crown ought to deſcend according to Priority of Birth, and Proximity of Blood.

Thirdly,

Thirdly, That if an Act of Parliament were obtained to exclude his *R. H.* would be unjuſt, unlawful, and *ipſo facto* void, as contrary both to the Law of God and Nature; and the known Fundamental Laws of the Land. And in the courſe of my Reaſoning, I ſhall not forget any thing this Gentleman has ſaid againſt any of theſe things in the Argumentative part of his Diſcourſe.

I am ſenſible it will make a great many Smile to ſee me undertake to prove ſo many, in their own Opinion, irrational Tenets. And I doubt not but ſome too will be diſpleaſed to find me endeavouring to ſtrike at the Root of their darling Notions; they know very well, ſhould this be admitted, they could find no pretence to adhere to their *Republican Principles*, and not become the ſcandal and averſion of all Good and Honeſt Men: but, 'tis not their frowns or their railing will trouble me; for 'tis not that I meaſure Truth by, but Reaſon; and by that I am content the Cauſe I have eſpouſed, ſhould ſtand or fall. I would not be miſunderſtood, as if I had the Vanity to think it would receive any Advantage by my Management of it; but I am ſo confident of the over-ballance of Reaſon and Truth I have on my ſide, that I doubt not but it will even make it ſelf appear, notwithſtanding my want of Parts (which no man is more conſcious of than my ſelf) and Ability to ſet it out to the beſt advantage.

In order then to the firſt Point, it will not be amiſs to examine what Reaſon can be ſhown to induce a man that has lay'd aſide Prejudice and Partiality, to embrace that ſo commonly received Opinion of a Natural Freedom and Equality: for my own part I take it to be a Propoſition not altogether ſo clear, and ſelf-evident, but that it requires a little better Proof than I ever yet ſaw offer'd for it.

I am not at all concerned for thoſe many Sentences the Aſſertors of this Doctrine are able to pelt me withall from Poets, Orators, Hiſtorians, and God knows who; for I anſwer with *Lactantius*, they ought not to be ſo underſtood, *as if there were in thoſe early dayes no Property, nothing that Man could call his own; but thoſe expreſſions are to be look'd upon as Figuratively ſpoken, after the manner of the Poets, thereby to give us to underſtand, that men were then ſo liberal, that they did not covetouſly ingroſs all their ſtore to themſelves, but were generouſly content to admit their poor Neighbours to a communication of their proper Labours and Income.* Beſides 'tis very obſervable, that at the very ſame time we are told of this Community and Natural Freedom the whole World is ſuppoſed to be under the Government of *Saturn*, who was ſucceeded by his Son *Jupiter*.

Non ut exiſtimemus nihil omnino tum fuiſſe privati, ſed more Poetico figuratum, ut intelligamus tam liberales fuiſſe homines ut natas ſibi fruges non includerent, nè ſoli abſconditis incubarent, ſed pauperes ad communionem proprii laboris admitterent. Lactant. de Juſtit. c. 5.

Poſtquam Saturno, tenebroſa ad Tartara, miſſo,

Sub Jove mundus erat———Ovid. Metam. l. 1.

And tho' the Poets call 'em Gods, yet we are ſurely to underſtand, that Earthly Kings are thereby meant; ſo that from hence nothing can be gathered to favour that Original of Government, that thoſe that urge theſe things are the great Patrons of.

If

If indeed a Set of full grown Men had dropt out of the Clouds, or like *Muſhrooms* ſprung out of the Earth; I ſhould not be much averſe no the notion of Natural freedom and equality: and that thoſe being in ſome great Wind furniſhed with a convenient number of Women, had propagated their Species; but I much fear whether there would not have been many bloody Noſes before they could have come to any Agreement, if it had not been altogether impoſſible; for, How long a time, and how great experience would be requiſite to put the thoughts of entring into a ſettled Society into their Heads? Or having found out the Conveniency and Method of doing it, How eaſily would ſuch a hopeful project be daſh'd in pieces by ſome furly, ill-natur'd fellow, or at leaſt a party of ſuch? For ſince no ſuch thing could be effected without the joynt Conſent of all, How difficult a thing would it prove to bring ſuch a Buſineſs about; many out of Pride being unwilling to ſubmit themſelves to this or that Man, they might perhaps have a particular pique againſt, and as many reſolved not to admit of any ſuch thing, unleſs they be advanced to that Supreme Magiſtracy, which no doubt others as ambitiouſly Thirſted after as they; and what could be the Iſſue of this, but Blood and Rapine, War and their former Confuſion? But granting that all thoſe Arrived to Maturity, ſhould be grown ſo ſenſible of thoſe many inſupportable Miſeries, that they were every Minute expoſed to, ſhould be content to ſubmit to any thing, rather than continue in their preſent Condition: What muſt be done with their Children? Muſt they be enſlaved by their Fathers, that have, according to theſe Men, no more Power over them, than any of their Neighbours? Surely by that time, they ſhould become ſenſible of that priviledge Nature had ſo bountifully given them, they would be found unwilling to ſtand to that blind Bargain, that had been made without their Knowledge and Conſent: And how that could ever be had I am altogether to ſeek, unleſs in thoſe Days, they could have ſpoke as ſoon as come out of their Mothers Womb; which I take to be every whit as likely as the other: And no doubt from hence a juſtifiable pretence may be taken at any time to diſturſt any Government upon Earth, when the inconſtant and giddy-headed Multitude, or any part of them ſhould in their great Wiſdom think fit.

Beſides, nothing ſeems more Derogatory to the Goodneſs, Wiſdom, and Providence of God Almighty, than to ſend Man into the World, and expoſe him to ſo many inconveniencies for the want of that; without which, it is impoſſible for Mankind long to ſubſiſt, or anſwer the Ends of their Creation; to leave them Deſtitute of that which was ſo neceſſary to their well being: for we cannot without impiety ſuppoſe, but God foreſaw the many Ills that would accompany ſuch a Condition; and if ſo, how it can be reconciled to his Goodneſs and Wiſdom, I muſt profeſs my ſelf Ignorant.

But to let this Opinion of the Origination of Mankind paſs, Calculated rather according to the Fancy of the Poets, or Notion of ſome of the old Heathen Philoſophers, than Truth. If we Conſult *God*'s Sacred Oracles, it will be found that He ſufficiently provided for the Safety and Happineſs of thoſe, upon whom He hath Stamped his own Image, by inſtituting a particular form of Government immediately upon the Creation of the Firſt Man, the great Fore-Father of Us all. I know I ſhall here be told, that 'tis granted me, *God* did inſtitute Government in General; but as to the diſtinct Species thereof, He left it to the choice of Men, as they ſhould think moſt Convenient for themſelves; but Did not *God* know better than they, what was moſt fit and requiſite for them? And, Is it not then very likely that they ſhould be accordingly Provided for? And not to inſiſt that it is hardly conceivable, how Government could be inſtituted by *God*, and yet none of the particular Forms be at that time exiſtent; not to inſiſt, I ſay,

how any thing can be in *Genere*, and not in *Specie*, I think 'tis clear from ‖ *Geneſis*, that God gave *Adam* the Dominion and Empire over all the World, when he ſo ſolemnly bleſſed him: *Be Fruitful, and Multiply, and Replenish the Earth, and Subdue and have Dominion over the Fiſh of the Sea, and over the Fowl of the Air, and over every living thing that moveth upon the Earth.* A Text ſo expreſs and clear, that even the great † *Selden* is forced to acknowledge, there could not before the *Flood* be any ſuch thing as Community; but that *Adam* is made hereby ſole Proprietor of the World; and by his Donation or Ceſſion, no doubt it was that we find *Abel* poſſeſſed of Cattle and Paſtures, and *Cain* Maſter of his Corn-Fields; and certainly *Cain* cannot be ſuppoſed ſo very Fooliſh, as to have Built a City, and call'd it by the Name of his Son *Enoch*, unleſs he could have left it to his Poſterity, which he could not pretend to do, if there had not been ſuch a thing as Property.

‖ 1. 28.

† Mar. Clauſ. *l.* 1. *c.* 4.

Gen. *c.* 4. *v.* 2.

Gen 4. 17.

But if *Adam* thus expreſly had not been made Soveraign Lord of the Univerſe; yet could not the Government of Mankind be denied him, without offering force to Reaſon, and bidding open defiance to Nature; for all the World being ſprung from his Loins, the Tye of Filial duty would bind all to Obedience; for no doubt as Father, he might claim a Dominion and Regal Power over his Children; and from hence we may very well derive the Original of Government, and that particular form of it call'd Monarchy; nor will it appear at all irrational upon that account to aſſert Monarchy to have been founded, and inſtituted by God and Nature.

For no Man could be Born free, ſince all Mankind muſt owe both their being, and ſubjection to their Natural Parents, by the Law of God and Nature: So that upon this account, *Adam* being inveſted with a Patriarchal and uncontrolable Power, not only over his Children, but thoſe that were Deſcended from them, during his Life, which being tranſmitted to his Eldeſt Son after his Death, and ſo on, there could never be any time when there was no Government, ſince there were any to be Governed.

Perhaps it may be Objected, that though *Adam* might have a Power over his Children, whilſt they continued in his Family; yet when that grew too Narrow for them, and they were removed, and had formed diſtinct Ones of their own, he could not pretend to any Juriſdiction there. But I would fain know of theſe Men whether the Obligation to be Obedient to Parents does not continue ſtill in full force, notwithſtanding their removal; and if it does, as I am ſure no Man in his right Wits can deny, why the Father's Power of Commanding, and Governing them, as he ſhall ſee moſt convenient for the Intereſt of himſelf, and the reſt of his Children, ſhould be retrenched, I cannot conceive; nor can it reaſonably be pretended, that he ſhould not have the ſame Juriſdiction over his Grand-Children, *&c.* that he had over their Fathers; for it is very irrational to ſuppoſe them exempt from Obedience to the Commands of that Man, their Parents were Naturally and Originally ſubject to.

And if we enquire but into the nature of this Paternal Power, we ſhall find it to have been purely Monarchical: We are told how *Abraham* made Peace and War, and we ſhall ſee *Jacob* exerciſing the Power of Life and Death over his Daughter-in-Law *Thamar*, or at leaſt pretending to it, without any queſtion made of his Power: and if theſe great Prerogatives were in their Hands, 'tis not to be doubted, but they were Kings in their Families, which we are not to ſuppoſe to be independent from one another, but ſubject and ſubordinate to either the Father of them all, or him, whoever he be, that is Succeſſour to him, and Lord of the eldeſt Family.

And that this is no new Opinion, as ſome People would have us believe, but

but at leaſt Older than *Ariſtotle*, appears from hence, that he dates the Original of all Society from hence. The Firſt Society (ſayes he) made up of many Houſes, for the ſake of a laſting and durable Benefit, is a Village, which ſeems moſt agreeable to Nature; as being a certain Colony of a Houſe, which ſome Men call *Foſter-Brethren*, or *Children*, and *Children's Children*: And therefore, at firſt, Cities *were*, and now Nations *are*, under *Kings*; becauſe ſuch as came together, were under *Kingly Government*; for every Houſe is under the Empire of him that is Eldeſt: and ſo, for Kindred ſake, it is in Colonies; that is, in more Families, which Deſcended from the ſame Houſe. For which Reaſon *Homer* ſayes, *Every Man gives Laws to his Wife and Children*: And this, no doubt, he had from his Maſter, the Divine *Plato*, in whoſe Judgment the True and Primary Reaſon of all Authority is, That the Father, and the Mother, and generally all thoſe that Engender & Beget, do Command and Rule over their Off-ſpring. And this, I think, is both ſufficient to vindicate this Doctrine from the Imputation of Novelty, and Recommend it too; ſince thoſe Great and Excellent *Philoſophers* were Patrons of it.

Η δ' ἐκ πλειόνων οἰκιῶν κοινωνία πρώτη, χρήσεως ἕνεκεν μὴ ἐφημέρου, κώμη μάλιστα δὲ κατὰ φύσιν ἔοικεν ἡ κώμη ἀποικία οἰκίας εἶναι, οὕς καλοῦσί τινες ὁμογάλακτας, παῖδάς τε καὶ παίδων παῖδας· διὰ καὶ τὸ πρῶτον ἐβασιλεύοντο αἱ πόλεις, καὶ νῦν ἔτι τὰ ἔθνη ἐκ βασιλευομένων γὰρ συνῆσαν· πᾶσα γὰρ οἰκία βασιλεύεται ὑπὸ τοῦ πρεσβυτάτου, ὥστε καὶ αἱ ἀποικίαι διὰ τὴν συγγένειαν, καὶ τοῦτ' ἔστιν ὁ λέγει Ὅμηρος. ——Θεμιστεύει δὲ ἕκαστος παίδων ἠδ' ἀλόχων. ——

Ariſtot. *de Regub. l.* 1. *c.* 2.

‖ *A. H.* Εἶεν· ἀξιώματα δὲ δὴ τοῦτ' ἄρχειν, καὶ ἄρχεσθαι, ποῖα καὶ πόσα, ἐν τε πόλεσι μεγάλαις καὶ συμπεφυκόσι, καὶ ἐν οἰκίαις ὡσαύτως; ἆρ' οὐκ ἐν μὲν τῷ τε πατρὸς καὶ μητρὸς; καὶ ὅλως γονέας ἐκ γόνων ἄρχειν ἀξιοῦμεν ὀρθὸν πανταχοῦ ἂν εἶη; G. καὶ μάλα.

And I am ſure if that be true which the *Roman Orator* ſayes: *In re conſenſio omnium gentium lex Naturæ putanda eſt*; That the Conſent and Agreement of all Nations is to be reputed the *Law of Nature*; every one muſt allow *Monarchy* to have been Founded by vertue of that: For without Vanity, I dare confidently aver, That there was no other Government ſeen, unleſs perhaps at *Sicyon*, for the Firſt *Three Thouſand* Years: Nay, the Learned Prieſt of *Belus*, the true and genuine *Beroſus* gives an Account of Ten *Kings* of *Chaldea*, before the Flood, of whom *Xiſuthes* (in whoſe time, they ſay, the Deluge happen'd) was the laſt: And the *Egyptian* Records could furniſh us with a Catalogue of Kings, that would reach as high as the Creation. † *Pauſanius* tells us, That *Greece* ſo Fruitful afterwards in *Ariſtocracies* and *Democracies*, that teeming *Africa* never bred more Monſters, was Anciently under Regal Government: Βασιλεῖαι παντὸς τοῦ Ἑλλάδος καὶ οὐ Δημοκρατίαι πόλαι καθεστήκεσαν, are his Words. But *Tully* goes further, and boldly aſſerts it for a certain Truth, That all the Nations of Old were under *Monarchial Regiment*: ‖ *Certum eſt* (ſayes he) *omnes antiquas Gentes regibus paruiſſe.*

Cicero 3. *de Legib.*

† In *Bœoticis.*

‖ Cicero 3. *de Leg.*

And when the *Univerſal Deluge* had put a Period to all Mankind, except *Noah*, and his *Three Sons*, by whom the World was to be Re-peopled; I think we may with Reaſon enough look upon *Noah* as the Univerſal *Monarch*; notwithſtanding the Learned *Selden* would have us believe, that *God* by his Bleſſing, recorded *Gen.* 9. 2. made him Tenant in Common with his Children: For beſides that, this Benediction ſeems moſt likely to be rather an Enlargement of the *Charter* that was given to *Adam*, than any thing elſe. It appears ſomething Unreaſonable to ſuppoſe, that *God* Almighty ſhould Diſinherit *Noah*, whom for his Juſtneſs and Piety, he had Choſen to be the Reſtaurator of Mankind: Nor do the Words neceſſarily imply any ſuch thing, ſince the Promiſe of *God* would no doubt be fulfil'd, if his Sons, after his Death, or in his Life time, by his Conſent, enjoy'd and poſſeſs'd the World, as their Property; which, 'tis certain, they did. *By theſe* (ſayes the Divine Hiſtorian) *were the Iſles of the* Gentiles *divided in their Lands; every one after his Tongue, after their Families, in their Nations*: Which is not to be underſtood, as a * Learned Man (in his Diſcourſe upon this Place) aſſures, as if it were a Scattering and Confuſion; but a moſt diſtinct and orderly Diviſion, becauſe the Original Word (נפרדו) alwayes bears the latter Signification:

Gen. 10. 5.

* Mr. *Mede.*

nification: And that there was such a Partition, and that made by *Noah*, we are assured also from *Eusebius*; and *Cedrenus*, who tells us, That *Twenty* Years before his Death, || according to an *Oracle* Received from Heaven, he Divided the whole World amongst his Sons, assigning to every one his several Share: And this he Confirm'd by his Last Will; and being about to Dye, he gave it into the Hands of *Sem*, and admonished them to Live peaceably, and not to Invade one anothers Territories.

|| Καὶ διὰ ζήτου διελοσθαι χρεσμὸν ἐπέρησε Νῶε τοῖς τρισὶν υἱοῖς αὐτοῦ τὴν γῆν etc. Cedren. *f.* 9.

I might now proceed to those Texts of Scripture, wherein Monarchy is declared to have been instituted by God. But they have been so often insisted on by Others, and those learned Persons, that I shall pass them over, only there is one which I cannot but take notice of, wherein God by the Royal Prophet

Psalm 82. 7.

sayes of Kings, *I have said* אלהים אתם *Ye are Gods*, or (more consonant to the Original, and expresly according to the Chaldee Paraphrase) *Angels*, by which Phrase is not only signified the Office of Princes (*viz.*) That they are God's Vicegerents, but the manner of their Mission, that is by the immediate Commission and Constitution of God Almighty; from whom alone, and not from the People they derive their power. Which origine of theirs I think is further evident from hence, that the Supreme Governour is invested with such an Authority as does include in it a Power of Life and Death; for which single Prerogative we must have recourse to the Fountain and Source of all Power: for seeing we neither have, nor ever had a power over our own Lives, but on the contrary God has expresly told us, *That he that sheddeth Man's Blood, of Man shall his Blood be shed*; it is impossible that Kings should derive their Power from the People, for 'tis an infallible Maxim, *Nemo plus Juris in alium transferre potest quam ipse habet*. So that it must necessarily follow from hence. That Kings must have been instituted by God; for 'tis He and He only could bestow this great Priviledge upon them; and since we find the Fathers of Families Exercising this Power, we may assure our selves that originally Patriarchal and Regal Jurisdiction were all one; as likewise appeares from this, that Obedience and Submission to Magistrates is commanded us by the Fifth Commandment, where it is only said, *Honour thy Father*, &c. So that as Paternal Power was from the Begining, so must Regal too.

Besides from hence I take it to be plain, that even at that time that God

Gen. 9. 6.

gave his blessing to *Noah*, there was a Regiment established; (which could be no other than Monarchy) for else that command of putting the murderer to death given at that very time, could not have been put in Execution, but must needs for a long time have continued ineffectual: for had any private man assumed that Power, he must necessarily have been guilty of the same crime; so that either we must allow of Magistracy at that time, or else make God command a thing, and not appoint means for the execution of it.

And I cannot see why we should date the original of Government any later than the Creation; for certainly we cannot perswade our selves that Nature, that so carefully provides for the preservation and well-being of all Creatures, should only be defective in her care for the noblest Animal in the universe, since nothing can be more necessarily required for the happiness of any thing than Government for mankind: for, *sine imperio nec domus ulla, nec civitas, nec gens, nec hominum universum genus stare, nec ipse denique mundus potest*, without Empire, neither the whole nor any the least part of the world could be conserved in peace and order, but all would immediately run into Ruin and Confusion.

Cicero 3. de Leg.

And now, if I had a mind to enter into so large a Common-Place, it were very easie to cloy, even the most greedy of such kind of Pedantry, with sentences from the Fathers and other Primitive writers, to show with what full Cry they all assert Monarchy to be founded by God and Nature; but waving a thing so obvious to every body, I shall take notice that this opinion is so far

from

from being a Stranger to our Laws, that it is expreſly reſolved by all the Judges in *England*, in *Calvin's caſe*, that ſubjection is from no Humane Law, but from the Law of Nature: and if ſo, then of neceſſity muſt Regal Right be from the ſame Law, becauſe no man ſuppoſeth ſubjection where he does not preſuppoſe power. Beſides, you cannot but have obſerved above, how many Parliaments of different Intereſts and Tempers have agreed in this, that the Kings of *England* hold their Crowns by the Laws of God and Nature, and therefore cannot be reputed of Humane Inſtitution, and hence it is that the King is ſtiled in our Statutes, our *Natural Liege Lord*, and his People likewiſe *Natural Liege Subjects*, and the fidelity owing to the Crown, *Natural Obedience*; which manifeſtly alſo appears from all Indictments of Treaſon, that of all other things are pen'd with the greateſt niceneſs, wherein the perſons indicted are charged whith Treaſon againſt—— *their Supreme and Natural Lord, contra Dominum Regem Supremum, & Naturalem Dominum ſuum.* Nor will any of their trifling evaſions ſerve them to evade this: for to an impartial Judge, it will no doubt appear that no other ſence ought to be put upon it, but what was meant and expreſſed by *Commodus*, the Son or *Marcus*, when he cloſed his Oration thus, *Jure principem colite non datum ſed natum.*

Co. 7. Rep. 1.

Rot. Parl. 39. H. 6. Rot. Parl. 1. E. 4. Rot. Parl. 1. R. 3.

Herod. lib. 1.

But if, will ſome ſay, Monarchy be *Jure Divino*, why were not Gods own People governed according to that ſacred Form? and why are we told in the Scripture that when that Regiment was introduced firſt, it came in by the Peoples Choice and Conſent? I anſwer firſt, that God out of his extraordinary kindneſs to the *Jewiſh* Nation above any other, was of his goodneſs pleaſed to reſerve the immediate Government and peculiar Care of them to himſelf, whereas he governed all the reſt of the World by his Vice-Roys: ſo that properly it was a Theocracy, wherein God himſelf did immediately preſide, whilſt other Countryes were made, as it were, Provinces of. But when the *Jews*, a people moſt inordinately bent upon change and novelty, were grown weary of this excellent Adminiſtration of their affaires, and deſirous to be governed after the manner of the Neighbouring Nations, they came to *Samuel* and ſaid, *make us a King to Judg us, &c.* which 'tis not likely they would have done if the choyce had been in them. And when God Commanded *Samuel* to yield to their Importunity, he ſaid, *hearken unto their voice and make them a King*, and accordingly he anointed *Saul*, without ſo much as acquainting them. And conſonant to this Interpretation is the ſence of their great Rabbies: for *Aben-Ezra* immediatly adds upon the mention of —— *Whom the Lord ſhall Chooſe? Scilicet per Os Prophetæ vel indicio Urim; adeoque ſenſus eſt non quem tutemet elegeris ipſe.* i. e. either by the mouth of a Prophet, or by the direction of the *Urim*; ſo that the meaning is not, that the people ſhould have the Choice of him: And as for what followed, it was nothing more than a Solemn and Ceremonious acknowledgment of *Saul*, whom God had appointed over them.

1 *Sam.* 8. 5.

1 Sam. 8. 22.

Vie Schickardi Juris Regii Hebræorum. c. 1.

But the ſtrongeſt Objection is drawn from, 1 *Pet.* 2. 13. where Kings are called an *Ordinance of Man*, for if ſo, then are they far from being *Jure Divino*. But if this be duly conſidered, I am perſwaded that it will appear of no force at all: becauſe in this Text there is a ſignal character which keeps it from concluding the Supreme Power to be Originally in the People, not only by calling the King Supreme, ſuch as in St. *Pauls* Divinity, *Rom.* 13. 1. are affirmed to be *Ordained of* God, and ſo no Humane Ordinance: but alſo by diſtinguiſhing the Governours, *v.* 14. from the Supreme, *v.* 13. by this that the Governours are ſent by, *i. e.* have

1 Pet. 2. 13, 14. *Submit your ſelves to every Ordinance of Man for the Lords ſake, whether it be to the King, as ſupreme:*
Or unto Governours, as unto them that are ſent by Him, &c.

Πᾶσα ἀνθρωπίνῃ κτίσει διὰ τὸν Κύριον· εἴτε βασιλεῖ ὡς ὑπερέχοντι· εἴτε ἡγεμόσι ὡς δι' αὐτοῦ πεμπομένοις ὑπὸ τιμωρίαν.

οὐκ ἔστιν ἐξουσία εἰ μὴ ἀπὸ Θεοῦ· αἱ δὲ οὖσαι ἐξουσίαι ὑπὸ Θεοῦ τεταγμέναι εἰσίν. *Rom.* 13. 1. From whence the excellent *Grotius* (what ever his opinion might have been in his younger dayes) Concludes, that all Kings do receive their Power from God, and not the People, as much as if they were immediately nominated and anointed by a Prophet; and that the Power diſtinct from the Perſon of the King,

is not here meant, is clear from hence, that *v.* 3. it is added, θεῦ γὰρ διάκονός ἐστί σοι, for he (that must needs be the Person of the Magistrate) is a Minister to thee for Good—Nor can the Power abstracted from the Magistrate do what is here attributed to him, to commend and incourage, *v.* 3. Avenge or Punish, *v.* 4. And the Matter is clear from, *v.* 3. where σοβεῖσθαι ἐξουσίαν being afraid of the Power, is all one with Ἀρχοντες εἰσι φόβος the Rulers are a Fear or Terror in the begining of the Verse, and that ὑπεροχάς, ought to be rendred Supreme, and not higher, it's evident from comparing it with, 1 *Pet.* 2. 13. where the King is called ὑπερέχων as having his Commission from God, whereas the rest are appointed by him. *Certum est* (sayes Grotius) *hac voce* ἐξουσίας ὑπεροχὰς *designari ab Apostolo summum Magistratum.*

Commission from the King, which might, and doubtless would be said of the King, that he were commissionated or sent by the People, if he were of their Creation; but of this there is not to be found the least hint or intimation: but this is evident beyond contradiction from the signification of the Phrase ἀνθρωπίνη κτίσις (be subject πάσῃ ἀνθρωπίνῃ κτίσει) which according to all analogy ought to be rendred *Humanæ Creaturæ:* Thereby meaning any part of Mankind; not *Ordinance of Man,* thereby signifying a thing of Man's Creating; for then the Phrase to express it, would be κτίσμα ἀνθρώπε; because if we compare one place of the New Testament with another, we shall find that ἀνθρωπίνη κτίσις, signifies generally †*all Mankind,* as appears from this, that the *Creation* and the *World* are all one; and *all the Creation* or *every Creature,* Mar. 16. 15. are the same with the *whole World,* in the beginning of the *verse,* and *all Nations* in the parallel places of St. *Matthew* and St. *Luke*; and thus *Rom.* 8. 19. *The expectation of the Creature or Creation, is the hope* which the Heathen World had, that they *i. e.* the *Gentiles* at the manifestation of the gracious Priviledge of the *Messias,* should also *be freed from the slavery of Corruption unto the Liberty,* &c. Now there is but one colourable Objection to be made to this Explication, as if this precept were thereby so extended, as to command obedience to every Man. But to this, I Answer, That the word, *Be subject,* generally relating to the Magistrate, will require our Obedience to none but such; and St. *Peter,* as if he had foreseen this difficulty, has restrained the general signification of that Word, by enumerating the particulars to whom Subjection is due, *viz.* the King and his Ministers, to whom only, our Obedience is limited and enjoyned.

† *Pro humano omni genere accipitur, sive pro gentibus omnibus, ut loquuntur Matthæus & Lucas.* Theod. Beza. *in loc. citat.*

I can scarce think our Pamphleteer's Objection, *pag.* 15. worth the considering, where he sayes, that since there can be according to the Opinion I have advanced, but one rightful Monarch in the Universe, *viz.* he who is the direct, and lineal Heir of *Adam*; because no Prince can make out any such Title; therefore, their Thrones instead of being supported, are hereby very much shaken: for a Man need but a small stock of Judgment to discern his premises to be as true as his inference is false; for where-ever the Lawful Heirs are supposed to be dead or unknown, the actual Possessour has the greatest Right, and can with as little Justice be dispossessed of what he enjoys, as if he were the rightful owner; for even as Robbers and Thieves, while they are possessed of Stolen Goods, have a Title in Law, against all others but the true Proprietors; insomuch, that it is a Sin for any other to deprive them of such Goods: So Usurpers have a Title in the Government against all Persons, but the true Heirs; who alone, and those impowered by them, can legally and justly go about to molest and disturb them: And where the Usurpation has continued so long, that the knowledge of the right Heir is lost by the People, it is no longer to be look'd upon as such; but every one is obliged to comply with the Government, and Governours then established; so that no Prince has any reason to be Alarm'd at this Doctrine, unless this Gentleman can produce the Lawful, and Lineal Heir to *Adam,* which I am perswaded will be somewhat an hard matter to do. Nor are either the Properties or Laws of any Countries endangered, since they have all the Security that Oaths and Promises can give them for them, and greater Security Subjects cannot have from their Prince, unless they had a Power to call their Soveraign to an account for the Male-administration of his Trust; a thing no Men in their right Wits can pretend to. As for the

rest

reſt of our Gentleman's impertinent Cavils about this Matter, I ſhall not give them the Honour of an Examination: for he may as well undertake to prove Marriage to be no Inſtitution of God, becauſe not obſerved by ſome Nations, where the Men and Women without any Ceremony accompany one another promiſcuouſly, as from the Practice of the *Venetians*, *Netherlands*, *Poland*, *Germany*, and *Aragon* (where by the By, the Caſe is quite alter'd from what it once was, by the *Conqueſt* of that Country, by *Philip* the *Second*) conclude *Monarchy* to be a humane Invention. And thus I think I have ſufficiently made out my Firſt Propoſition, that *Monarchy* is a Divine Ordinance, and undoubted Inſtitution of Nature.

The *Second* thing I undertook to prove, was, that the Crown according to the Law of God, Nature and Nations, ought to Deſcend according to Primogeniture, and Proximity of Blood; which will, I doubt not, very Evidently appear from the foregoing Diſcourſe: for if *Monarchy* be of Divine Right, as I think I have made more than probable, and that *Adam* was during his Life Univerſal Monarch, there is no queſtion to be made, but that Right was by his Death transfer'd to his Eldeſt Son, and Succeſſor *Seth* (I call him Eldeſt, tho Born after *Cain*, becauſe God, who as He hath given, can take away, had diſinherited the latter, for the Murder of his Innocent Brother *Abel*; ſo that, being Excommunicated, and made a Vagabond, driven from his Parents, and turn'd into the wide World (as we ſay) to ſeek his Fortune: I reckon of him as if he were not in being.) Nor is this bare Conjecture, for *Cedrenus* can tell us, that as **Adam was Emperour of the World during his Life*, ſo was †*Seth after his Deceaſe, his Succeſſor in the Dominion over all Mankind.* And that the reſt of the *Patriarchs* Succeeded, and Governed the World by the ſame Right, I take to be beyond Diſpute, if this be admitted, as I can ſee no Reaſon why it ſhould not. I am ſure of *Canaan* the Son of *Enoch*, and Grand-Child of *Seth*, We have a very remarkable and expreſs Teſtimony; he was *Emperour over all the World*, and lies Buried in an *Iſland* of the *Eaſt-Indian* Sea; the Memory whereof remained there in Tables of Stone in *Alexander*'s time, as *Alexander* relates in his Letter to *Ariſtotle*, Recorded by ‖ *Joſephus Ben-Gorion*. When after the Univerſal Deluge, *Noah* remained Maſter of the whole Earth: he by that Right which God and Nature had inveſted in him, divided the World amongſt his Children, to every one he gave their ſhare, but over and above that, a kind of Supremacy over the whole, as Lord in chief, after the old *Patriarch*'s Death, was transfer'd to his Eldeſt Son *Sem*, of whom his younger Brethren held their Kingdoms in Fee, ἐς ᾧ τὴν ἡγεμονίαν διεδέξατο μεθ' αὐτόν; ſayes the *Hiſtorian, ſpeaking of *Sem*.

* Ἕτος ἡγεμόνευσε τῆς γένης τῶν ἀνθρώπων δι' ὅλης αὐτοῦ τῆς ζωῆς. Cedren. *f.* 9.

† Σὴθ μετὰ Ἀδὰμ ἡγεμόνευσε τῶν ἁπάντων. Cedren. *ubi ſupra.*

‖ lib. 2. cap. 11.

* Cedrenus *fol.* 12.

Tho perhaps this Notion of an Univerſal Empire may ſeem ſtrange to ſome; yet 'tis the Opinion of not a few Learned Men, That *Babel* was deſigned for the Chief Seat of it: And if *Melchiſedec* be, as I think the Learned Dr. *Willet*, in his Commentary on *Geneſis*, has made more than probable, no other than *Sem*; I think the Scripture will afford us ſome very conſiderable Hints of it, from the great Reſpect paid, and offering of part of his Subſtance to him, as an Acknowledgment of his Supremacy over the Univerſe.

But tho there be ſo good Evidence for this Opinion in Hiſtory; yet I cannot think, that it ſtands in need of it; for 'tis ſo expreſly and clearly laid down in ſeveral Places of Scripture, that he muſt induſtriouſly ſhut his Eyes againſt Truth, that cannot ſee it: For, Can any thing be more plain, than this Text, where *God* Almighty ſayes to *Cain* of his Younger Brother *Abel*; *Unto thee ſhall be his Deſire, and thou ſhalt Rule over Him?* Unleſs by the Divine Law of Nature ſuch a Right had been annexed to *Primogeniture*, Would *God* have put him in mind of ſuch a Prerogative? We cannot ſuppoſe, he did then beſtow it upon him, leſt he ſhould take Pet, becauſe his Offering was Rejected, and his Brother's Accepted: Certainly, there is more Reaſon to believe,

Gen. 4. 7.

believe, *God* would at that time have deprived him of that Preheminence, which belong'd to him by Birth-Right; and that, no doubt, he was afraid would be the Consequence, from whence sprung the Hatred he bare to *Abel*: But *God* was graciously pleas'd to remove that Distrust from him, by telling him, That tho he had offended, yet should not that Prerogative be taken, from him; he should still continue to be Lord over his Brother: † *To thee shall be his Desire, and thou shalt Rule over him.* A clearer Proof than this perhaps cannot be shewn, for Honouring and Obeying Parents, or any other Moral Duty, except that of doing no Murder, before the Promulgation of the *Decalogue*. But if this be not sufficient, it will further appear from the Blessing given to *Jacob* by *Isaac* his Father; where he tells him, *He shall be Lord over his Brethren, and his Mother's Sons shall bow down before him*: From which Place, all the Commentators with one Consent conclude, That a Royal Power was due to the Eldest Son by Birth-Right; and certainly, there must have been something more than ordinary due to the First-Born, or *Esau* could never have deserved the Title of *Profane*, which is bestowed upon him by the Author of the *Epistle to the Hebrews*. I know, 'tis generally agreed to be upon the Account of the *Priesthood*, which, together with the rest, was due to the Eldest: And since we have so clear Evidence for this Right, due to the Eldest by Birth, as appears from *Numb.* 3. *Vers.* 12. where *God* declares, he had made Choice of the *Levites*, instead of the First-Born, to be Priests; I cannot conceive, why that Prerogative of a Superiority and Dominion over their Brethren, should be denyed to belong to them by the Law of Nature too, since we have such clear Intimation of it: For when *Jacob* blessed his Sons, and told 'em what would happen to 'em in the latter Dayes, he calls *Reuben* his First-Born, *The Excellency of Dignity, and the Excellency of Power*: Whereby is signified the Right he had by Birth to the *Priesthood* and *Kingdom*, and Double Portion; to which Sence the *Chaldee Paraphrase* exactly agrees: But because of his Sins and Transgressions, *God* had deprived him of 'em, the Priesthood was given to *Levi*, the Kingdom to *Judah*, and the Double Portion to *Joseph*. Nor are we to look upon *Jacob*, as taking upon him to dispose of these Things himself; but only fore-telling, what would in due time, by *God* Almighty, be brought to pass, and of which they were patiently and cheerfully to expect the Event. But when *Moses*, by *God*'s Command, delivered the Law to the *Jews*, this Precept of Nature, *Of giving a Double Portion to the First-Born*, is there again repeated and enjoyn'd, and so made a Part of the Positive and Revealed Will of *God*, who gives this Reason for it; because *He is the Beginning of his Father's Strength, and the Right of the First-Born is his*: Which way of Expression is never used, but when something is commanded, which by the Law of Nature they were obliged to the Observation of before. And of this Opinion is the Great *Selden*; who sayes, 'Tis injoyned in such a manner, ‖ *Ac si recepto antea in gentem more subnitteretur*, as if it had been the Constant Practice and Custom of the Nation to observe it before. And in this Precept 'tis not to be question'd, Succession to the Royalty is included; for in the † *Talmud*, 'tis said, *Qui præcipuum jus habet in Hæreditate, is & in possessione Regni: ideo filius natu major præferur minori: i. e.* Whoever has the greatest Right to Succeed in any Inheritance, he ought to be Advanced to the Throne; and therefore, the Eldest Son is alwayes prefer'd before the Younger. And accordingly we are told, That *Jehoram* succeeded *Jehosophat*; and the Reason given, *Because he was the First-Born*: Which would not have been added, if upon that account the Kingdom had not been his due.

And if we take the pains to look into History, we shall find the Practice of the World agreeable in preferring the Eldest Son, before his Younger Brethren. *Herodotus* can tell us; Νομίζουσι πρὸς πάντων ἀνθρώπων τὸν πρεσβύτατον τῆς ἀρχῆς ἔχειν; That it was the Custom of all Nations, for the First-Born to

† Vid. *Calvin*, in loc. & S. *Chrysost. Homil.* 18.

Gen. 27. 29.

Heb. 12. 16.

Gen. 49. 3.

Deut. 21. 17.

‖ *Selden, de Successionibus, &c. cap.* 5.

† *Titulo de Regibus.*

2 Chron 21. 3.

§ *In Polyhym.*

to enjoy the Royalty: And consonant to this, is what we are told out of *Trogus* by *Justine*; *Artabazanes Maximus natu ætatis privilegio regnum sibi vindicabat, quod & ordo Nascendi & natura ipsa gentibus dedit:* *Artabazanes*, the Eldest Son, challenged by the Prerogative of Age, the Kingdom; to which, by Priority of Birth, and the Law of Nature common to all People, he had an Undoubted Right. I might here produce a great Multitude of Quotations from these, as well as other Authors, to shew how Universally this Custom prevailed in all Places; how generally it was Received: But I shall content my self to take notice of the Unanimous Agreement of the great Doctors of the *Civil* and *Canon Laws*, in this Matter: † *Baldus* sayes positively; *Semper fuit, & semper erit, ut primogenitus in Regno succedat:* It alwayes was, and ever shall be, that the First-Born, (and next of Blood) Succeedeth in the Kingdom. And herein he is followed with the full Cry of all the Best and Choice Interpreters of both Laws; who, with one Voice, agree, That in Kingdoms, and other Dignities, which are Indivisible without Dis-membring, the Eldest Son doth entirely Succeed: And this, many of them, do call the *Law of all Nations*, derived from the Order of Nature, and from the Institution of *God*, and Confirmed by the Canon, Civil, and other Positive Laws.

Lib. 2.

† *Ex hoc jure.* D. de Justit. & Jure.

Now, what hath been said of *Primogeniture*, in Point of Succession to the *Crown*, doth so evidently, by Consequence, extend it self to *Proximity of* blood, that I shall say no more of it, but proceed to Answer an *Objection* drawn from the Holy writ; For say some, *If this Birthright be so sacred a thing, as I have asserted it to be; How comes it to pass, that so many have been deprived of it? How came the tribe of* Judah *to get the Scepter from* Reuben? *And, Why was* Solomon *advanced to the Throne, to the total disinherison of his elder Brethren?*

I answer, That those that make this objection, never consider that this was all done by the express command of him, *who ruleth in the Kingdom of men, and giveth it to whomsoever he will:* tis well known that *David* of the Tribe of *Judah* was immediately chosen by God himself, and appointed to be Ruler of his own People; and it was by an express warrant from the same God, that *Solomon* was made his successor, as appears from the mouth of *David* himself; *And of all my Sons (*saith he*) for the Lord hath given me many Sons, he hath chosen* Solomon *my Son, to sit upon the Throne of the Kingdom of the Lord over* Israel. So that these and the like Instances (and none other can be produced) signifie nothing to the purpose.

Dan. 4. 25.

1 *Chron.* 28. 5.

1 *Chron.* 29. 1.

And if we do but impartially weigh the Recognitions of so many several Parliaments, as I have taken notice of above, we shall find this great Truth openly and fully acknowledged; 'tis unanimously agreed, That the *King*'s of *England* come to the Crown, not by any Human Right, but by the Laws of *God* and Nature.

And thus, I think, I have effectually proved my Two First Propositions, *viz.* That Monarchy, *Jure Divino & Naturali*, is Founded in Paternity; and, in the next place, That the Crown of *England* is, and ought to be inseparably *annexed* to the Proximity of Blood, by the Laws of *God* and Nature, and this Realm, (if we may give Credit to the Declarations of so many Parliaments, of different Humours and Tempers.) So that, it will prove no very hard Matter, to make good what I undertook in the *Third place*; to wit, That an *Act* to Exclude his *R. H.* would be utterly Unlawful, and *ipso facto*, void; because, contrary to all Laws, Divine, Natural, and Humane; and so it ought to be adjudged, when ever it comes to the Question before the Reverend Judges; For the Laws of God & Nature are the Rays and Emanations of the Divinity, they are Undeniable, Eternal, and Immutable, and therefore cannot be Altered or Impeached by any Humane Power or *Authority*, but only by the God of Nature it self, who did Originally ordain them; and so many and plentiful are the Instances of Statutes expounded void, because contrary to the Law of Nature, that it would be loss of time to take notice of, or enumerate any of them, & no doubt upon this ground it is, that those two great and learned Doctors of the Law, *Jason* and *Angelus*, do positively aver, that tho the Eldest Son of a *King* be either a Fool or a Madman (either of which qualifications are as pernicious to the Government, every whit as being a *Papist*) yet can he not be excluded from Succession.

Conf. Rot. Parl. 1. E. 4. Rot. Parl. 1. R. 3. 1 Jac. c. 1.

And I doubt not, it may be made evidently appear, that Succession of the Crown to the next Heir of the Blood Royal, is so Fundamental and Primary a Constitution of this Realm, so antient and received a Custome, that against it *There never hath been, nor ought to be any dispute:* as † the Lord Chancellor *Egerton* will inform us: and if we look into our

† His Argument of the Case of the *Postnati*, pag. 36.

Antient Records we ſhall find more than one *Parliament* declaring, that *Jura Sanguinis nullo ſunt civili dirimi poſſunt.* And it is held by ſeveral great Lawyers, that a Prerogative in Point of Government, cannot be reſtrained or bound by Act of *Parliament*: And ſurely then much leſs can ſuch an Act be of any force in ſo high a caſe as this of Succeſſion; for certainly, if this were once allowed, the Government would ceaſe to be Hereditary, and degenerate into an Elective One; And 'tis not to be queſtion'd, but ſuch a Power as enables the *Parliament* to break off one link, may give them a ſufficient Authority to ſhatter in pieces the whole ſacred Chain, and totally exclude the preſent Line, and together with that, Monarchy; which, I pray God, may not be the bottom of too many Men's deſigns, let them gild over their proceedings with never ſo ſpecious and popular Pretences; and no doubt, out of a provident Foreſight of the Calamity, and diſmal conſequence of ſuch deſignes, it was that the Lords, and Commons did declare, That they could not aſſent in *Parliament* to any thing that tended to the Diſinheriſon of the King, and the Crown (which this *Bill of Excluſion* evidently does) whereunto they were ſworn; no, tho the King himſelf ſhould deſire it. But what comes more home to the point, is the anſwer of *Richard* Duke of *York*, to the Kings Friends, who urged an Act of Parliament againſt him; who told them, *That ſuch an Act was to take no place, nor was of any force or effect againſt Him, the Right Inheritor of the Crown, as it accorded with God's Laws, and all Natural Laws.* And this Anſwer of the Duke's, is, by expreſs Act of Parliament then aſſembled, recognized and acknowledged to be *Good, True, Juſt, Lawful,* and *Sufficient*: ſo that, in effect, we have an ingenuous and full *Declaration* as can be, that the Right of Succeſſion is abſolutely unimpeachable by any Humane Power; and that the Kings of *England* in poſſeſſion, their Heirs and Succeſſors in reverſion, have an indefeaſible right to the Crown, which they cannot be deprived of by any Authority, leſs than that which inveſted them therewith.

Rot. Parl. 42. E. 3. Num. 7.

Rot. Parl. 39. H. 6. Numb. 10, &c.

Beſides, 'tis a Maxim of our Law, *That as the King never Dyes,* (which is meant of that Political Capacity; which, in that very Moment one *King* Expires, is Superadded to the Body Natural of the Next Heir, whereby he immediately becomes *King*: And this Political Capacity being of that Sublimity, that it is no wayes ſubject to any Human Imbecilities of Infamy, Crime, or the like, it draweth all Imperfections and Incapacities whatſoever from that Natural Body, wherewith it is Conſolidate, & (as it were) Conſubſtantiate; *ſo the Crown, once gain'd, takes away all Defects, removes all manner of Bars and Lets laid in the way to the Succeſſion*: For 'tis impoſſible to hinder the Deſcent to the Next Heir; becauſe that being removed beyond the Reach of a Mortal Arm, muſt go exactly in that Courſe preſcribed by *God* and Nature; and being joyn'd to, and indiviſible in one Royal Perſon thereby, this later Capacity being added to the former, purgeth, *eo inſtante*, all Obſtructions of what Nature ſoever: And tho his Natural Body, before this Union, was ſubject to the Laſh of the Law; yet, upon the Conjunction of this Political and Immortal Capacity with it, they grow inſeparable: And conſequently, by reaſon of thoſe Divine Perfections inherently and indubitably annexed to that Coalition, the Prince, what ever Crimes he might have formerly been guilty of, is now placed above Humane Juſtice, and anſwerable ſolely to *God* Almighty; to whom, and none other, he owes Subjection.

And thus it has been expreſly reſolved by all the Judges of *England*, in the Caſe of Two Princes, who were as much Diſabled, as an Act of Parliament could do it: The Firſt was, when *Henry the Sixth*, by the Aſſiſtance of the Great *Earl of Warwick*, re-aſſumed the Crown; for *Edward the Fourth* had paſs'd an Act to diſable him from all Regiment, and attaint him of High Treaſon: But notwithſtanding all this, the Judges were of Opinion, That in the ſame Moment that *Henry* Re-aſſumed the Crown, the ſaid Parliamentary Incapacities were (to all Intents) diſcharged and avoided; not becauſe (as our *Pamphletier, pag.* 17. would have us believe) *Edward* was not Lawful *King*: For if either Right of Blood, or an Act of Parliament could give him a Juſt Title, there's no doubt to be made, but he had One: But for this very Reaſon, That the *Crown*, once gain'd, taketh away all Defects.

The next Inſtance is of *Henry the Seventh*, who being once poſſeſſed of the Throne, the Reverſal of his *Parliamentary* Attainder was unanimouſly agreed by the Judges to be unneceſſary; for *That the Crown takes away all Defects in Blood, and Incapacities by* Parliament: *And that from the Time the* King *did aſſume the Crown, the Fountain was cleared, and all the ſaid Attainders and Corruptions of Blood, and other Impediments abſolutely diſcharged.* And this being conſtantly received for Law ever ſince, I cannot but wonder this Gentleman ſhould go about to call in queſtion the Judgment of ſo Many, and ſo Great *Lawyers*, by his Impertinent Cavils; for 'twas upon this Precedent, that the Lord Keeper *Bacon* did adviſe Q. *Elizabeth*, not to Repeal that Statute, wherein ſhe was made Illegitimate. Nor was it upon the Account of any Attainder, that the Houſe of *York* forbore ſo long time to purſue their Claim to the *Crown*; but want of Intereſt: And when he tells us, The *King* of *France* was the more inclined to ſend over his Son *Lewis*, becauſe *King John* was Attainted of *Treaſon*, and ſo, uncapable of taking the Crown, he muſt certainly have forgot himſelf, or he would not have made uſe of an Inſtance (granting it to be true) ſo contrary to his Purpoſe: For it ſeems, the *Engliſh*, when he came to the Crown, had but a very ſlender Opinion of ſuch a Bar, or elſe they would never have admitted him; But the *King* of *France* was glad of any Pretence, tho never ſo Ridiculous: So that, we ſee the Judges were not without Precedent to direct their Proceedings by; and ſuch a one (if the Story be true) as had the Approbation of the whole, or greateſt part of the Kingdom.

11 H. 7. 4. Fitz. Parl. pl. 2. Plowdens Com. 238. Co. 1. Inſt. 16. a.

But

But that *Objection* which has moſt ſhew of Force, is drawn from the Recognition of *Richard the Third*'s Title, which he takes a great deal of Pains to ſet off to the beſt Advantage: But I think, he might have ſpared his Pains, if he had but conſidered, that thoſe Men that, to Advance an Uſurper to the Throne, had (contrary to their Knowledge) declared all the Late *King*'s Children to be Baſtards, would ſcarce ſtick at Declaring (contrary to all Right and Juſtice, which they had already ſo notoriouſly violated) an Attainder of Treaſon to be of ſufficient Force to debar the Iſſue of the *Duke of Clarence*, who were not in a Condition to aſſert their Title for the Crown, without conſidering the Truth of it.

And it is conſiderable, that all thoſe Acts made in Contradiction of one another, were never heeded or eſteemed by either Party, or ever deter'd, either the Heads of 'em from purſuing their Claim, or the People from aſſiſting them in it; & the End of all ſuch Statutes was to vaniſh into Smoak, and come to nothing; and, for the moſt part, never to have the Honour of a Repeal. Beſides, a Thing done in Tempeſtuous and Turbulent Times, is not to Guide and Direct our Actions now, eſpecially ſince we have the Senſe of ſo many ſeveral and different Parliaments; and therefore the more Remarkable, to the contrary; wherein it is declared, That the Succeſſion of the Crown of *England*, is inſeparably Annexed to Proximity of Blood; and, That a Title of this Sublimity and Grandeur, is not at all Impeachable even by Act of *Parliament*. And beſides, the *Parliament* of 39. *H.* 6. doth make their Declaration to the manifeſt Prejudice of the *King* in Poſſeſſion, who was Ordained alſo by the ſame Accord then made, to Reign over them during his Life; and whom, for that Reaſon, it muſt be preſum'd, they would have favoured, if they had found but the leaſt colour ſo to have done.

And if the Actual Poſſeſſion of the Throne, as has been ſo often Recognized by our Antient *Parliaments*, which were neither over-aw'd by a prevailing Faction, nor ſeduced by the plauſible Pretences of deſigning Demagogues, be by the Law of *God* and Nature, inveſted with the Soveraignty; it does moſt evidently follow, that the Heir Apparent, or Next of Blood, is, by the ſame Laws, entituled to the Crown; and conſequently, the People have no more Right to Diſ-inherit the *One*, than to Depoſe the *Other*; and doubtleſs, it is the ſame Sin: As to cauſe the Abortion of an *Embryo*, and to take away the Life of a *Child* already Born, are both alike Murder; for both have an equal Right to Life, tho they differ in the Time of the Enjoyment of it: And ſo have the Poſſeſſor, and the Heir, to the Throne; only *One* is actually Maſter of it, and the *Other* in due Time muſt and ought ſo to be.

But to affirm, (ſayes this Gentleman) *that the* King *and* Parliament *have not a Power to Change the Direct Order of Succeſſion, is to deny the Government a Power to Defend it ſelf.* To this I Anſwer, 'Tis much more likely, that altering the Courſe of the Legal Deſcent of the Crown, is the more probable way of bringing us into *Anarchy* and Confuſion: Beſides, acording to his Notion of *Self-preſervation*, a Prince that Governs not according to the *pleaſure* and *good liking* of the People, may be Depoſed, or elſe they would be deprived of a *power* of *preſerving* themſelves: A very peaceable Notion, I aſſure you; and ſuch as would render every Government, where it was admitted, moſt extreamly Happy. But it ought to be proved, That the admitting of a *Popiſh King* would be an Infallible Cauſe of the Ruin of us all; or elſe, I much fear, this *adored principle* of *Self-preſervation*, will not Juſtify the Excluſion of his *K. H.* For nothing leſs than abſolute Neceſſity, will authorize a Man to kill his Enemy, as when he endeavours by violence to Rob him of his Life: and 'tis then only he can lawfully Kill him *ſe Defendendo*: But that he ſhould be allow'd to deſtroy any, that out of a Groundleſs Jealouſie he apprehends may do him a Prejudice, is the Higheſt Degree of Madneſs, and Deſtructive of all Humane Society: For if it were allowed for one to Kill all he is afraid of, we could expect nothing but Murders and Maſſacres, nothing but unavoydable Confuſion and Ruin. 'Tis convenient, I grant, to bind ſuch as we have juſt Ground to be apprehenſive of, to their good Behaviour, and tye up their Hands according to the Laws of the Land: And certainly, one would think, this would be ſufficient Security in the Caſe of his *K. H.* if too many of thoſe that ſo zealouſly ſtickle for the Bill, had not a deeper Deſign, than that they give out, even to *Lay the Axe to the Root* of Monarchy it ſelf: 'Tis that they aim at, and have ſuch a Thirſt to deſtroy under this *ſpecious pretence*, and ſet up their adored Idol, their beloved *Common-Wealth*: And if they had not this colour for their Proceedings, I am very much afraid, they would be guilty of ſomewhat worſe. Nor am I in this at all Uncharitable, ſince this Gentleman has *pag.* 19. given a very excellent Hint to Juſtify ſuch a Deſign: For he tells us, *That the Crown is not a bare Inheritance, but an Inheritance accompanying an Office of Truſt; & that if a Mans Defects render him incapable of the Truſt, he has alſo Forfeited the Inheritance.* Can any thing be more full and plain? May not, upon this account, the *King* (in Poſſeſſion) be Removed, as well as an Heir ſecluded? So true is that Obſervation, That all the *Pamphlets* writ upon this Subject; tho they begin with the *Duke*, yet conſtantly End with the *King*: They would have us believe, they only aim at the *preſervation* of His Majeſty, their Religion, Lives, and Liberties; when in truth, they are ſo reſolutely bent upon the Deſtruction of Monarchy it ſelf, that in ſpight of all their art, they are not able to diſguiſe their Intent; but let ſuch things ſlip from their *pens* unawares, that at once makes a perfect Diſcovery of their Hypocriſie and Villany. But if this will not do, he can tell us, *That there is a Supreme, Uncontroulable Power lodged in the King and Parliament*; from whence he collects, if he intends to prove any thing, *That they have a power to command, and exact our Obedience to every thing they enjoyn:* An Opinion, I aſſure you, that were there neither Heaven nor Hell, *God* nor Devil, would very much conduce to the Peace and good Government of Mankind; and you know, Mr. *Hobbs* has done very

ry fair for one, towards the driving such Scare-Crows out of the World. But *you see*, by this, how *strangely* he is put to it, to *bouy* up his sinking Cause; but he does as well as he can: Drowning Men catch hold of *any* thing.

But above all things, I cannot sufficiently admire his Confident challenge of producing any one instance where ever any Nation, not under the immediate force of a Conquerour, did admit of a Prince, of a Religion contrary to that established; when Scripture, the History of the *Byzantine* Empire, and the Annals of our own Country, could have furnished him with so many examples: for how many Idolatrous Kings, do we read of in Holy-Writ, that without any disturbance or opposition succeeded and governed in *Israel*, tho' their inclinations were well known before their coming to the Crown? but we hear not one word of Disinheriting or Deposing them, (unless by such as are there branded with the Name of Traytors and Villains,) except by the immediate and most visible Act and Finger of God himself, who being the Creator of Nature, can alone (when it pleaseth him) controul her Methods and Operations; and certainly if any such Power there, had been lodged any where in the *Jewish* Government, we should have found it put in Execution, I doubt not, by that People, whose Religion was much more inconsistent with the Idolatry of the Heathens, than ours with that of *Rome*, and so they had the greater Obligation to endeavour to prevent the Succession of an Idolatrous Prince: and if we may take any measure from the Primitive Christians, we shall not find any thing to countenance our present proceedings; for after their Religion was become the established one of the Empire, I cannot hear that they endeavoured to seclude *Julian* the Apostate from the Imperial Diadem, tho' they were no less acquainted with his Inclination to their Religion, than his natural Temper. Nor do I ever find the Orthodox party talking of impeaching the Right of Succession, when an *Arrian* (under whom they were sometimes as severely persecuted, as ever their Ancestors were in the time of the Heathens) was the Heir Apparent; 'twas a Doctrine unheard and unthought of amongst them: They had recourse only to the true Christian Arms of Prayers and Tears for their Defence: For the Church in those dayes was not so literally Militant, as it has been of late. And in our own Country, have we not seen a *Mary* and *Elizabeth*, Princesses of a contrary Religion to that established, Succeed to the Throne without any resistance, or at least such as rather strengthen'd, than shook their Throne. Queen *Elizabeth* met with none, and that against Queen *Mary* was rather an Offer, than any thing else.

But here I cannot sufficiently wonder at the disingenuity of this Pamphleteer, who has in more places than one endeavoured to insinuate, that all those who either oppose or are perswaded of the Injustice and illegality of the Bill of Exclusion, are *Papists*, or at least *Popishly* Affected; and therefore he cites the Opinion of two great Romanists, hoping thereby to convince them of the Truth of his Assertion; but he either forgets, or rather maliciously conceals, that the Doctrine of disinheriting and deposing Kings, and of the *Natural* freedom of the People, is rank Popery: first broached and introduced by the Schoolmen, and since zealously maintained by the Jesuits, and other great Men of the Papal Faction: and I much fear whether if he would ingenuously confess the Truth, he must not acknowledge himself beholden to one of them for the greatest part of his Discourse; So true is it, that tho' our *Phanaticks* (amongst whom, if I am not misinformed, our Author is or at least once was a leading man) and the Papists, tho they look contrary wayes; yet like *Sampsons* Foxes, they are tied together at the tailes, they are alike the firebrands and disturbers of all Countryes where they come; So that I think I need not be concerned at the Sentiments of men so devoted to the *Roman* See, as † those he mentions. But for Sr. *W. Raleigh*, whose Testimony, both as a Protestant and a Judicious, Learned Man, I very highly value, I am not at all in pain; for if a Man do but look into the Quoted place (to which I refer my Reader) he will find him of quite another opinion than this Gentleman, who has strangely misrepresented him, would have us believe; from whence you may take the measure of this Man's Ingenuity, his Candor and Integrity; but by this time I think you are well enough acquainted with him.

† Card. *Fisher* Sir, *Thomas More*.

And thus I have run through this whole Pamphlet, and I hope given a clear answer to every thing of any moment by him advanced; and as for some few little trifling passages not worth considering, I have passed them over, without taking any notice of them. And from a due Consideration of the whole matter, every man must infer, that the Kingdom of *England* is an Hereditry Monarchy, wherein the Succession of the Crown is inseparably by all Laws Divine, Natural and Humane, annexed to Proximity of Blood, and that all the Humane Acts and Powers in the World cannot hinder the Descent of it to the next Heir. And that whoever does but consult and examine impartially the History and Records of this Nation, must conclude, That nothing can be drawn from thence to favour the contrary opinion, which was the thing I undertook to prove.

FINIS.

If the Reader will be pleased to take the Pains, He is desired, to Amend this, and what other **Errata's**, *that have Occurr'd, by Reason of the Author's absence from the Press.*

Page 33. *l.* 44. between Paid and *And*, Insert *Him* by *Abraham*.